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Reserve

CONFERENCE BETWEEN STATE AND NATIONAL
FOOD, DAIRY AND DRUG OFFICIALS

Held in
Washington, D. C.

November 14 and 15, 1913

at the

New National Museum.

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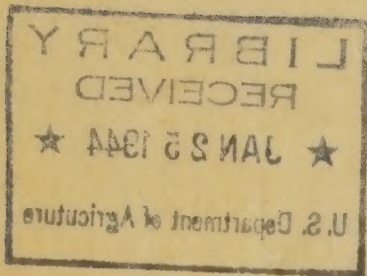
U.S. Department of Agriculture

Revised

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List of Persons Present.

Abbott, J. S., State Food and Drug Commissioner, Austin, Texas.
 Adams, Geo. H., U. S. Food and Drug Inspector, Boston, Mass.
 Allen, R. M., Head of State Food and Drug Dept., Lexington, Ky.
 Allen, W. M., State Food Chemist, Dept. of Agriculture, Raleigh, N. C.
 Alsberg, C. L., Bureau of Chemistry, Washington, D. C.
 Anderson, M. N., Office of Information, Dept. of Agr., Wash., D. C.
 Ayers, S. H., Bureau of Animal Industry, Washington, D. C.
 Bailey, H. S., Bureau of Chemistry, Washington, D. C.
 Bates, Carlton, Bureau of Chemistry, Washington, D. C.
 Baughman, W. F., Bureau of Chemistry, Washington, D. C.
 Bennett, S. E., Inspector, Bureau of Animal Industry, Chicago, Ill.
 Bidwell, G. L., Bureau of Chemistry, Washington, D. C.
 Biesterfield, C. H., Bureau of Chemistry, Washington, D. C.
 Billingsley, C. H., State Food, Drug and Feed Clerk, Montgomery, Ala.
 Bisbee, D. B., Food and Drug Inspection Laboratory, St. Louis, Mo.
 Bishop, H. E., State Food Chemist, Board of Health, Indianapolis, Ind.
 Black, C. L., Bureau of Chemistry, Washington, D. C.
 Bowie, J. R., Office of Information, Dept. of Agr., Washington, D. C.
 Boyle, Martin, Bureau of Chemistry, Washington, D. C.
 Broomell, A. W., Bureau of Chemistry, Washington, D. C.
 Brown, Lucius P., State Food and Drug Commissioner, Nashville, Tenn.
 Campbell, W. G., Chief Food and Drug Inspector, Bur. Chem., Wash., D. C.
 Caspari, Chas., Jr., State Food and Drug Commissioner, Baltimore, Md.
 Chesnut, V. K., Bureau of Chemistry, Washington, D. C.
 Chew, Wm. H., Member State Bd. of Health, 37 N. 3rd St., Camden, N. J.
 Collins, W. D., Bureau of Chemistry, Washington, D. C.
 Cook, L. B., Bureau of Animal Industry, Washington, D. C.
 Crumbine, S. J., Secretary, State Board of Health, Topeka, Kans.
 Dalton, Chas. F., Secretary, State Board of Health, Burlington, Vt.
 Dinsmore, S. C., State Food and Drug Commissioner, Reno, Nevada.
 Ditewig, Geo., Bureau of Animal Industry, Washington, D. C.
 Dodge, Wm. B., Health Department, Washington, D. C.
 Doolittle, R. E., Food and Drug Inspection Laboratory, New York City, N. Y.
 Dorset, M., Bureau of Animal Industry, Washington, D. C.
 Doyle, Aida M., Bureau of Chemistry, Washington, D. C.
 Dunbar, P. B., Bureau of Chemistry, Washington, D. C.
 Emery, J. Q., State Dairy and Food Commissioner, Madison, Wis.
 Emery, W. O., Bureau of Chemistry, Washington, D. C.
 Ewing, Clare O., Bureau of Chemistry, Washington, D. C.
 Farnes, Franz F., Bureau of Chemistry, Washington, D. C.
 Farrington, A. M., Bureau of Animal Industry, Washington, D. C.
 Ferris, L. W., Bureau of Chemistry, Washington, D. C.
 Fitz-Randolph, R. B., State Board of Health, Trenton, N. J.
 Flanders, G. L., State Department of Agriculture, Albany, N. Y.
 Forbes, D. R., Bureau of Chemistry, Washington, D. C.
 Frary, Guy G., State Food and Drug Commissioner, Vermilion, S. D.
 Fricke, F. H., State Food and Drug Commissioner, St. Louis, Mo.

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 Anderson, W. M., Office of Information, Dept. of Agr., Wash., D. C.
 Averett, S. H., Bureau of Animal Industry, Washington, D. C.
 Bailey, H. S., Bureau of Chemistry, Washington, D. C.
 Bates, Carlton, Bureau of Chemistry, Washington, D. C.
 Beckman, W. P., Bureau of Chemistry, Washington, D. C.
 Bennett, S. E., Inspector, Bureau of Animal Industry, Chicago, Ill.
 Bowers, G. I., Bureau of Chemistry, Washington, D. C.
 Brewster, C. H., Bureau of Chemistry, Washington, D. C.
 Brinkley, O. H., State Food, Drug and Feed Clerk, Montgomery, Ala.
 Bishop, D. B., Food and Drug Inspection Laboratory, St. Louis, Mo.
 Bishop, H. E., State Food Chemist, Board of Health, Indianapolis, Ind.
 Black, C. I., Bureau of Chemistry, Washington, D. C.
 Bowie, J. H., Office of Information, Dept. of Agr., Washington, D. C.
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 Cook, L. E., Bureau of Animal Industry, Washington, D. C.
 Crumrine, S. J., Secretary, State Board of Health, Topeka, Kans.
 Dalton, Chas. F., Secretary, State Board of Health, Burlington, Vt.
 Emerson, A. O., State Food and Drug Commissioner, Reno, Nevada.
 Fennell, Geo., Bureau of Animal Industry, Washington, D. C.
 Folger, M. B., Health Department, Washington, D. C.
 Galloway, R. E., Food and Drug Inspection Laboratory, New York City.
 Goss, M., Bureau of Animal Industry, Washington, D. C.
 Gyles, Aida M., Bureau of Chemistry, Washington, D. C.
 Gunn, P. B., Bureau of Chemistry, Washington, D. C.
 Hery, J. G., State Dairy and Food Commissioner, Madison, Wis.
 Hery, W. O., Bureau of Chemistry, Washington, D. C.
 Hines, Glane O., Bureau of Chemistry, Washington, D. C.
 Hines, Frank T., Bureau of Chemistry, Washington, D. C.
 Hinton, A. M., Bureau of Animal Industry, Washington, D. C.
 Hines, L. W., Bureau of Chemistry, Washington, D. C.
 Hines, R. B., State Board of Health, Trenton, N. J.
 Hines, G. I., State Department of Agriculture, Albany, N. Y.
 Hines, D. H., Bureau of Chemistry, Washington, D. C.
 Hines, Guy C., State Food and Drug Commissioner, Vermilion, S. D.
 Hines, T. H., State Food and Drug Commissioner, St. Louis, Mo.

Goodrich, C. E., Bureau of Chemistry, Washington, D. C.
 Gore, H. C., Bureau of Chemistry, Washington, D. C.
 Grant, E. H., Bureau of Chemistry, Washington, D. C.
 Greathouse, Ruth C., Bureau of Chemistry, Washington, D. C.
 Goshon, Maurice, State Dairy, Food & Oil Commissioner, Cheyenne, Wyo.

Hand, W. F., State Chemist, Agricultural College, Miss.
 Hansen, Willard, State Dairy and Food Commissioner, Salt Lake City, Utah.
 Hanson, H. H., Asst. Executive State Food & Drug Laws, Orono, Me.
 Hart, B. R., Food and Drug Inspection Laboratory, Cincinnati, Ohio.
 Harwood, P. M., General Agent, State Dairy Bureau, Boston, Mass.
 Haywood, J. K., Bureau of Chemistry, Washington, D. C.
 Hendrickson, N., Food Research Laboratory, Philadelphia, Pa.
 Hillyer, Wm. E., Bureau of Chemistry, Washington, D. C.
 Hoover, Geo. W., Bureau of Chemistry, Washington, D. C.
 Hortvet, Julius, State Chemist, Dairy & Food Department, St. Paul, Minn.
 Howard, B. J., Bureau of Chemistry, Washington, D. C.
 Howard, C. D., State Chemist, Board of Health, Concord, N. H.

Jackson, F. A., Chairman, Bd. of Food & Drug Commissioners, Woonsocket,
 Jackson, H. L., State Chemist, Board of Health, Boise, Idaho. (R.I.)
 Jacobs, B. R., Bureau of Chemistry, Washington, D. C.
 Johnston, Mrs. W. R., Bureau of Chemistry, Washington, D. C.
 Jones, H. P., Office of the Solicitor, Dept. of Agr., Washington, D. C.

Kebler, L. F., Bureau of Chemistry, Washington, D. C.
 Keenan, Geo. L., Bureau of Chemistry, Washington, D. C.
 Keister, Jno. T., Bureau of Chemistry, Washington, D. C.
 Kelly, Ernest, Bureau of Animal Industry, Washington, D. C.

Ladd, E. F., State Food Commissioner, Fargo, N. D.
 Le Clerc, J. A., Bureau of Chemistry, Washington, D. C.
 Le Febvre, Edwin, Bureau of Chemistry, Washington, D. C.
 Linton, F. B., Bureau of Chemistry, Washington, D. C.
 Loomis, H. M., Bureau of Chemistry, Washington, D. C.
 Lythgoe, H. C., State Analyst, Board of Health, Boston, Mass.

Magruder, E. W., State Chemist, Dept. of Agriculture, Richmond, Va.
 Marden, J. W., State Food and Drug Department, Vermilion, S. D.
 Mason, Maud L., Bureau of Chemistry, Washington, D. C.
 Matthews, W. S., State Food Commissioner, Chicago, Ill.
 McCabe, John, Asst. State Dairy & Food Commissioner, St. Paul, Minn.
 McGee, W. J., Food and Drug Inspection Laboratory, New Orleans, La.
 McGuire, Geo. W., Chief, Bureau Dairy Inspection, Trenton, N. J.
 Melvin, A. D., Bureau of Animal Industry, Washington, D. C.
 Mickle, J. D., State Dairy and Food Commissioner, Portland, Ore.
 Mitchell, A. S., Bureau of Chemistry, Washington, D. C.
 Mitchell, L. C., Bureau of Chemistry, Washington, D. C.
 Monler, Jno. R., Bureau of Animal Industry, Washington, D. C.
 Moudy, Ross B., State Chemist, University of Wyoming, Laramie, Wyo.

Nelson, E. K., Bureau of Chemistry, Washington, D. C.

Palkin, S., Bureau of Chemistry, Washington, D. C.
 Palmore, J. I., Bureau of Chemistry, Washington, D. C.
 Parker, C. E., Bureau of Chemistry, Washington, D. C.
 Patrick, G. E., Bureau of Chemistry, Washington, D. C.
 Penniman, W. B. D., State Chemist, Board of Health, Baltimore, Md.
 Pistor, A. J., Bureau of Animal Industry, Washington, D. C.

Randall, W. W., State Board of Health, Baltimore, Md.
 Read, E. A., Bureau of Chemistry, Washington, D. C.
 Reed, J. B., Bureau of Chemistry, Washington, D. C.
 Rogers, L. A., Bureau of Animal Industry, Washington, D. C.
 Ross, B. B., State Chemist, Auburn, Alabama.

Sale, J. Walter, Bureau of Chemistry, Washington, D. C.
 Sarraga, R. del Valle, Service of Sanitation, San Juan, P. R.
 Saunders, Wm. D., State Dairy and Food Commissioner, Richmond, Va.
 Scheffler, C. C., Bureau of Chemistry, Washington, D. C.
 Sherman, Helen, Bureau of Chemistry, Washington, D. C.
 Silberberg, B. H., Bureau of Chemistry, Washington, D. C.
 Skinner, W. W., Bureau of Chemistry, Washington, D. C.
 Steddom, R. P., Bureau of Animal Industry, Washington, D. C.
 Stephenson, Chas. H., Bureau of Chemistry, Washington, D. C.
 Stone, B. H., Director State Laboratory, Board of Health, Burlington, Vt.
 Strode, S. E., State Dairy and Food Commissioner, Columbus, Ohio.
 Sullivan, A. L., Food and Drug Inspection Laboratory, Boston, Mass.
 Summers, A. C., State Chemist, Columbia, S. C.

Taber, W. C., Bureau of Chemistry, Washington, D. C.
 Taylor, Geo. B., State Analyst, Board of Health, New Orleans, La.
 Tice, Wm. G., Chief Chemist, State Board of Health, Trenton, N. J.
 Tolman, L. M., Bureau of Chemistry, Washington, D. C.
 Trescot, T. C., Bureau of Chemistry, Washington, D. C.
 Treuthardt, E. L. P., Bureau of Chemistry, Washington, D. C.
 Trowbridge, P. F., University of Missouri, Columbia, Mo.

Voegtlin, Carl, Hygienic Lab., U. S. Public Health Service, Wash., D. C.

Waldraff, P. H., Bureau of Chemistry, Washington, D. C.
 Wallis, James H., State Dairy, Food & Sanitary Commissioner, Boise,
 Walton, Geo. P., Bureau of Chemistry, Washington, D. C. (Idaho.
 Watson, E. J., State Commissioner of Agriculture, Columbia, S. C.
 Wessling, Hannah L., Bureau of Chemistry, Washington, D. C.
 Wharton, G. W., Office of Information, Dept. of Agr., Washington, D. C.
 Gilbert, M. I., Hygienic Laboratory, U. S. Public Health Service, Wash.
 Wilcox, B. B., Bureau of Chemistry, Washington, D. C. (D. C.
 Winkjer, Joel G., State Dairy & Food Commissioner, St. Paul, Minn.
 Winton, A. L., Food and Drug Inspection Laboratory, Chicago, Ill.
 Woodward, W. C., Health Officer, Washington, D. C.

Young, Hulbert, Chief Food Inspector, Health Department, Wash. D. C.

The meeting was called to order by Dr. C. L. Alsberg at 10:20 A. M., Nov. 14, 1913.

Dr. Alsberg: Gentlemen, I think it is probably unnecessary for me to say very much concerning the purpose for which the Secretary of Agriculture called this meeting. All of you are probably aware of the attitude of the Department in regard to cooperating with and helping the States and receiving such assistance as the States care to give. I think I have expressed the policy of the Department in the past along these lines. It is one thing, however, to express a policy and to make plans and quite another matter to carry those plans into effective actions.

In Mobile much was said about cooperation, and there was much discussion of ways and means, after which it devolved upon us in Washington to take steps which would translate the words into some sort of action.

The first step of the Department was to create some sort of mechanism for cooperation between the States and Federal Government. I do not think that the policy or the feeling between the Federal Government so far as the Department of Agriculture is

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concerned and the States is much different today from what it has always been but I think that we never have had as much cooperation in the past as we have all wished, for the simple reason that nobody has ever emphasized very much the need for that kind of cooperation. At the present time in the Bureau of Chemistry we are starting a little organization which now consists of only one man; this will be the guiding point for the cooperation between the Department of Agriculture, so far as the Department is concerned, and the States. We hope in time to make that cooperation closer and to have machinery which will develop into a sort of clearing house for this particular kind of work. It has been started in the Bureau of Chemistry and we hope that this machinery will grow.

The next step seemed to be to have a meeting called to get together and discuss ways and means of improving, extending, and making more efficient the work in which we are all interested. The Department of Agriculture, therefore, called this meeting. The idea beneath the call for this meeting was that it was to be a meeting not of the Department of Agriculture but rather of the State food and drug officials and

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that the Department of Agriculture was to have merely the influence of any other individual organization. We want you to feel that the Department of Agriculture was merely the means of inaugurating this work but that you gentlemen are to carry it out and conduct it absolutely. For that reason, because we want you to feel that this is not our meeting at all but your meeting, I am going to request Mr. Wallis, President of the American Association of Food, Dairy, and Drug Officials, to preside.

Mr. Wallis: Gentlemen, I thank Dr. Alsberg for his consideration in this matter and I think before we ask the further wishes of this meeting I will suggest that all the members present come down to the front.

Dr. Alsberg: Pardon me if I speak again, but I wish to raise one or two questions which ought to be settled before we go on with the meeting. The first is whether it is the wish of this meeting to have a full and complete stenographic report of the proceedings. I would suggest, merely for the purpose of getting it before the meeting, that we do not.

Seconded and carried.

A motion by Dr. Alsberg that the meeting should be a closed one with attendance limited to persons officially connected with State or National food, dairy, and drug work was also seconded and carried.

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The President then called upon Dr. Crumbine of Kansas, Chairman of the Committee on Cooperation, for a statement as to what in the opinion of the committee might be done to further the progress of cooperation. In substance Dr. Crumbine's remarks included the following points:

Recommendation that the procedure in bringing cases under the Federal Food and Drugs Act by collaborating officials be simplified, making such procedure as easy and simple as would be consistent with effective and reasonable certainty of conviction.

Recommendation that a man be appointed in the Bureau of Chemistry whose entire time should be devoted to carrying out the scheme of cooperation between the States and the Federal Government, as outlined by the Committee on Cooperation; that commissioners more generally enter into the spirit of cooperation by following out the recommendations of the committee; and that finally a closer cooperation between the States themselves be undertaken to the end that uniformity of requirements and universality of results might be speedily brought about.

Dr. Crumbine was followed by Mr. George L. Flanders of New York who expressed himself as favorable to the formation of an office in the Bureau of Chemistry for promoting cooperation. Mr. Flanders stated it was his belief that the formation of such an office would have a tendency to help the general movement toward uniformity of action in the different States.

At this point, Dr. Frank A. Jackson of Rhode Island made a motion to the effect that since the speeches and debates of the conference had proved to be of great interest and benefit to all the commissioners, a complete verbatim report of the proceedings should be made, the same to be considered as strictly confidential and one copy only sent to each State dairy, food and drug commissioner. This motion was unanimously adopted.

The President then proposed that Mr. W. E. Allen of North Carolina, Secretary of the Association, should act as secretary of the conference. A motion to that effect was made and carried. On objection by Mr. Allen, however, the motion was reconsidered and the chairman appointed a committee, consisting of Messrs. Allen, G. Spain and Crumbine, to choose a secretary. Dr. W. W. Ladd of Maryland was nominated by the committee and appointed secretary of the conference.

Dr. Ladd, North Dakota: Members of the conference, I am thoroughly in sympathy with the suggestions made by Dr. Crumbine. I have felt that there should be active cooperation between the State and National officials and, of course, that cooperation must have some central point where the work can be done. The other features involved are things that must be worked out as the work progresses. But there are lines of information between the States

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themselves that we should all be informed on as well as work done by the national authorities. This man ought to be able to advance us this information as to what is being done by the States themselves and there ought to be cooperation between the different States as well as between the States and the national government. In that way we can accomplish much. Anything that can be done in that direction, I assure you here and now, will have the hearty support of North Dakota. If we can have real cooperation that will enable us to get together, that might be practicable. Take an illustration just at the present time. There is a preparation that is being sold in very many sections of the country just at the present time that is a fraud and takes the money away very rapidly from the people who buy it and yet we are not able to reach them. If the Secretary of Agriculture and the Bureau of Chemistry could know of the conditions and the character of the product in question I think a stop would be put to it. But we can't get them. Just before I came away from home I discovered that this same concern had gotten about \$50,000 or \$75,000 from the farmers on a certain article. They could not be reached so far as the State is concerned because of their methods and yet perhaps

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the Government has not the information to start on the work. That is going on in South Dakota and Nebraska and Iowa, and possibly to as great an extent as in North Dakota.

I think if we can have one man to devote his whole time to that and build up that line of work we shall accomplish more good for the country than any other single feature I can think of. It has my most hearty support for anything that can be done in that direction.

Dr. Caspari, Maryland: Mr. President and Gentlemen of the Conference, I should like to say a few words along the line of the work that has been suggested and outlined by Dr. Crumbine and Dr. Ladd and more especially call attention to the fact that the efficiency of this cooperative work would be very materially increased and strengthened if the Federal and State authorities can be in closer cooperation regarding conditions that come to their notice. It appears to us in Maryland that if the Federal Government through its officers would notify the various State officials of every case their inspectors reach in that particular State, the State authorities would be placed in a much stronger position than they are today. We are in constant communication with Washington and yet we rarely hear

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anything of a case until a judgment has been passed in the United States Court. Now if the State officials in the various States were notified of every violation found within the State by the Federal inspectors, the State authorities would be strengthened immediately and they could do their part in assisting the Government. If instead of wrapping the case around in mystery you would tell us about these cases we would be in a position to protect our own State interests very much better and help you people out too. And, on the other hand, the State officials might notify the Government of something which might be of use to them if not at present maybe a little later on. We had a very recent case in Baltimore where the inspector did find a large lot of ascertain product that was in violation of the law and yet he could not touch it at all because it was not in interstate commerce. But he notified us and we successfully handled it. But that was only so far as that particular shipment was concerned. Other shipments we have no knowledge of until the case has been tried in Court. If the State officials are to be commissioned officers of the Government then it is more correct to be accomplished. Second, how to accomplish

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necessary than ever for them to be informed of every step the Government might take.

We desire to make that as a suggestion with a view to strengthening the official who might be charged with sending out information from this clearing house which has been spoken of by Dr. Alsberg and others. With us it would help very materially. That is only in connection with the present point in view but I desire now to call attention to the one fact that the State officials are not sufficiently informed concerning the cases that occur in their own States.

Chairman: One of the oldest food authorities in the United States and a man who has had a very great deal of experience in this line of work, Dr. Emery of Wisconsin, is present and I will call on Dr. Emery to address the meeting.

Dr. Emery, Wisconsin: Mr. Chairman, Members of the Convention, We certainly have before us a very great and important question. I hardly think this question can be unduly magnified. Most of my life I have been a school teacher, and a school teacher in attacking his work begins something in this way: First, what is the object to be accomplished? Second, how to accomplish

it, or what are the means; what has already been done in the way of accomplishment? What are the means to be used and what are the means remaining to be used to accomplish that purpose? Now "cooperation" is a very broad term and the school teacher's plan comes back to this fundamental proposition: Cooperation is what, and for what purpose? And I take it that at a conference or convention of this sort there can be no doubt of the statement that the great proposition is cooperation between the different food officials of the national Government and those of the States and that their purpose is to secure protection to the people of this country and of the States against the harmful consequences resulting from adulteration and fraud in food production. To my mind that is the end sought and so long as I am Dairy and Food Commissioner of the State of Wisconsin my cooperation will be hearty and loyal to all the food control forces that are seeking to protect the people of this country against the monstrous adulterations and frauds that have been rampant throughout this country for so long.

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the palming off of frauds and adulteration upon the people I cannot be counted among that number. The food official, whether national or State, is an official to enforce law. He has to have no whims of his own for enforcement--only as they are the whims of the national Government or of his State. The law is his course of conduct prescribed by the supreme legislature, either the national Congress or his State legislature and that is the only legitimate purpose of the food laws and this vast number of food officials should bend their every endeavor to extend the strong arm of the law to the protection of the consuming public.

I believe we have arrived at the time in the history of this movement when cooperation for this purpose between the federal Government, the forces of the federal Government and the States, is to be given a new impetus with united forces to do this great work.

I assume that the doctrine laid down by the President of our nation in that great work of his, The New Freedom, where he has brought out this as scarcely any other man in this country ever brought it out, is the doctrine to be followed; that they all, the

the feeling off of friends and admiration upon the people I cannot be counted among that number. The food official, whether national or State, is an official to enforce law. He has to have no whims of his own for enforcement--only as they are the whims of the national Government or of his State. The law is his course of conduct prescribed by the supreme legislature, either the national Congress or his State legislature and that is the only legitimate purpose of the food laws and this vast number of food officials should bend their every endeavor to extend the strong arm of the law to the protection of the consuming public.

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forces of the government working for this protection of the great mass of people, have the very highest purpose and aim instead of promoting the interests of the few. I assume that is the predominating thought of this administration, and in that work my hand and my heart are as strong today as they have ever been in the past and they will continue to be as long as I live. Gentlemen, that is all I care to say for the present. (Applause)

Chairman: Gentlemen, we have heard from several of the State officials exclusively. I now feel the convention would be very glad to hear something from Dr. Alsberg. We will therefore now hear from Dr. Alsberg of the Bureau of Chemistry.

Dr. Alsberg: It is quite evident, I think, from the expressions of opinion we have had from gentlemen who have spoken this morning, all of them men who have been working in this field longer than I, that we have all been thinking along much the same lines. I think we all feel that a mechanism is needed, machinery is needed in order that we may all work together, and I am exceedingly pleased to be able to say that some small

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of the State officials exclusively. I now feel the

convention would be very glad to hear something from

Dr. Alsborg. We will now hear from Dr. Alsborg

of the Bureau of Chemistry.

Dr. Alsborg: It is quite evident, I think, from

the expressions of opinion we have had from gentlemen

who have spoken this morning, all of them men who have

been very much interested in this subject, and we have

all been talking about it for some time. I think

we all feel that a conference is needed, especially in

order that we may all work together, and I am

gladly prepared to be able to say that some small

start (at this time only one man) has been made this fall in the Bureau of Chemistry. I am inclined to think that as we get this work organized, if we succeed in doing that, the time of more than one man, one individual, will be necessary. And I am inclined to think we shall have to have a considerable clerical force, a staff, but I am also inclined to think that whatever sum the Secretary of Agriculture may see fit to spend on this matter will be money well expended.

So far the work which we have been trying to do in this connection has been confined entirely to foods. We have not had a man working at this who has been looking to the drug end of it at all. He has had all he could do to work out, to try to work out a plan to apply to foods and I have been wondering myself whether as a matter of practical administration it would not be necessary to have a specially trained man handle the drug side of the work--a different man altogether from the man who is to handle the food side of the work--whether there is not so much work that it might not better be done in two parts and whether the qualifications needed in a drug control official are not altogether

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different from the qualifications needed in a man taking care of the food end of this clearing house work, and whether perhaps each end of it had not better be done on an individual basis.

I would welcome an expression of opinion, of advice in this connection.

Another matter which we have had under consideration and upon which I would be glad to get an expression of opinion from you gentlemen, is as to the need of a mechanism for carrying out this cooperation along general lines. All this has been so recently organized it will help us very much to hear some discussion on the different points involved, the details, just how the work should be done. And all this is exceedingly important because unless we can work out the details no scheme we can work up will be very successful.

I should like to know what the gentlemen think concerning the best way of getting cooperation between the States and the national Government. I think it is going to be perfectly sound to very shortly to extend what little work we have already done along this line in such fashion that cooperation between the Federal

Government and the separate States will be growing gradually more and more satisfactory, and in time as we work out the details it will come to be quite satisfactory.

The thing that has not been clear in my mind is the method of getting cooperation between the different States. To what extent can the federal Government be of assistance there or is it unnecessary for the federal Government to mix into matters which concern two separate States? Would it be feasible to have the States report information, for one State to report information to the Bureau of Chemistry, and then have that information sent out to the other States from there, or would it be better to have the individual States communicate with one another? I think the work of causing cooperation between the individual States is at least as important as the cooperation between the individual States and the federal Government. It is going to be, I fear, a great deal easier to get cooperation and uniformity between the federal Government and the individual States than between the States themselves. That is simply because the federal Government is in touch with all the States and no State is

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in very close touch with the other States, except possibly its near neighbors. I have no notion as to how this very desirable result (as I at least regard it) can be accomplished.

Another matter in connection with this question of cooperation which has come to my mind is the question of getting the information concerning what the Board of Food and Drug Inspection believes to be violations of the law before the individual States. I do not know to what extent it is possible legally to place our information at the service of the States before the case has been through a court of law. I suppose we cannot go very far in that direction but it would be desirable to see just what can be done in that matter. I presume very little can be done in that direction but if it were possible to do something it would be worth while perhaps.

Now these are some of the things that have been in my mind. I have been waiting to formulate definite plans until I could consult with you gentlemen here, and since the idea of a central organization to handle the cooperative work between the federal Government and

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the States, and possibly between the States themselves, seems to meet with such general approval, I think the time has come in which details of the best methods of accomplishing this end, if they can be given, would be desirable. Before we take up those matters of details I want to say that we have been discussing only one phase of the subject, and that is the enforcement of the Food and Drugs Act. You gentlemen are charged with the enforcement of not merely what corresponds in your individual States to our Food and Drugs Act but also with the enforcement of the meat inspection act, with which the Bureau of Chemistry has nothing whatever to do, and I wonder, Mr. Wallis, whether the Chief of the Bureau of Animal Industry would not care to say a few words in that connection before we go on to discuss the individual details of bringing about such cooperation as has been discussed.

The Chairman: I think that is a very valuable suggestion of Dr. Alsterg's. The convention will be very glad to hear Dr. Melvin on this subject.

Dr. Melvin: Gentlemen, I feel that the speakers before me have expressed what I feel in this matter--

that there is great need for cooperation in all matters pertaining to the enforcement of food and drug laws, including the inspection of meats. We find in our work as we go along that this question has been sadly neglected. I think that it is a very important one, and one which should be taken up without delay.

Now I was recently in South America and I was very much surprised to find out how much better these people were on the matter of meat inspection than we are here. Nearly every town of any importance at all has its own abattoir and inspection. Inspectors are provided at these abattoirs. People bring cattle there and they are turned over to the authorities of the city, and the inspectors in charge of most of these places are well equipped and trained to do the work competently. The sanitary handling of the meat is subject to a great deal of criticism at most of these places, however, because it seems that they do not have the idea of the necessity for keeping the meat clean after they have inspected it. But those are matters which can be handled very readily.

At the suggestion of Secretary Houston we made a

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series of inquiries of the various State officials as to what was being done in the way of inspection of meat under their laws for State meat inspection and municipal inspection. We might almost say that almost nothing was being done by the States in a broad way. Many of the largest cities have their own inspection facilities and what they have is very inadequate. Some of our cities where there are a hundred or more small slaughter houses have only three or four laymen to carry on that inspection. It is utterly impossible for them to cover the territory sufficiently often to make any sort of inspection at all which would protect.

Now as a rule animals slaughtered in these small country slaughter houses--and you all know what they are like, the largest of them only small sheds in the woods somewhere down by the river so as to get rid of the bad odors, and most of the stock slaughtered in there is what you might call cast-off cattle; there are very few high grade steers slaughtered at those kind of establishments. In the work of our inspection we find that the bulk of the tuberculosis is among those cows, the cows slaughtered in those country

slaughter houses. That is where we find from 10 to 20 or 50 per cent of the tuberculosis, and that, Gentlemen, is the stuff that needs inspection, needs it badly.

I don't believe it would be possible to make an adequate inspection at these smaller places--or the larger places either for that matter--until general municipal inspection is established so that cattle from the countryside can be brought together and all killed at one central place where you can have a man always on duty during the entire period of slaughtering.

And that all has an economic importance, too, because you can bring together a number of animals at one place and when you slaughter them all there together the by-products can be utilized in a way that would be impossible where only one or two animals are killed in a week.

Mr. Abbott of Texas is here, I see, and he can tell you of the arrangement they have for doing this work at Paris, Texas. The abattoir there is perhaps not a model of construction but it is sufficient. They have good inspection and it is paid for by the fees and they are sure of getting good meat in Paris, Texas.

The butchers pay for it. Paris is only a town of about 15,000 inhabitants. There are hundreds of cities in the United States a good deal larger than that which have no meat inspection whatever. Sometimes poor inspection is worse than nothing because it leads people to believe they are getting an inspected meat when they are not.

I have a summary here of the information we collected from the different States in regard to the kind of inspection they maintain and I will read it unless someone wants to ask some questions at this time.

(Note: Instead of the summary Dr. Melvin filed the following memoranda which gives the information in full)

2444 The subject of State Meat Inspection was taken up with 45 States.....	45
Three States, (Arizona, New Mexico, and West Virginia) have no food officials according to Solicitor's memorandum of April 14, 1913...	3
	48

The following States have a meat inspection law:	
Colorado (Not enforced)	
Massachusetts	
Pennsylvania.....	3
The following States operate under other laws:	
Ark., Del., Fla., Ida., Ind., Ia., Kans., La., Me., Md., Minn., Mo., N.H., N.J., N.Y., N.Dak., Ohio, Oreg., O.C., Tex., Utah, Vt., Va., Wash., Wis., Ky.,	26
The following States undertake no supervision whatever of meat products and slaughtering:	
Ala., Ariz., Ga., Mont., Nebr., N.M., N.C., Okla., Tenn., W.Va.,	10
The following States have not yet been heard from:	
Cal., Conn., Ill., Mich., Nev., Miss., R.I., S.Dak., Wyo.,	9
	48
	TOTAL

Two States, North Dakota and Kansas, have Diseased Meat Laws, requiring that wholesome parts from diseased animals must be so marked when offered for sale.

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up with 13 states.....

to Solicitor's memorandum of April 14, 1913..

The following states have a meat inspection law.

Wash., Ky.,
Ohio, Oreg., S.C., Tex., Utah, Va., Wash.,
Md., Mass., Minn., N.H., N.J., N.Y., N.Dak.,

States not listed: no supervision
meat products and slaughtering:
Mont., Neb., N.M., N.C.,
Vt.,

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be so marked when offered for sale.
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MEMORANDUM CONCERNING MEAT INSPECTION
WORK OF THE VARIOUS STATES.

- ALABAMA. No law under which meats may be inspected. City inspection at Mobile, Selma, Montgomery, Birmingham, and Huntsville.
- ARKANSAS. Food and Drug Law authorized regulations for collecting and examining samples; provides for prosecution of violators for adulteration or misbranding, manufacture or sale of deleterious, decomposed or diseased animal substances, and for seizure of the goods. (Inoperative Aug. 4, 1913, for lack of appropriation)
- CALIFORNIA. No reply.
- COLORADO. Has good meat inspection law, enacted April 20, 1907, and regulations thereunder; enforcement hampered for money. \$3000 appropriated. One veterinary officer or inspector to be appointed, and local health officers, who will act, are deputized by the State.
- CONNECTICUT. No reply.
- DELAWARE. No State meat inspection. Has a Pure Food Law. City of Wilmington employs a meat inspector.
- FLORIDA. Food & Drugs Act authorizes regulations for examining samples; provides for prosecution for sale of adulterated, misbranded, deleterious, decomposed, or diseased animal or vegetable substances. Three inspectors and all local health officers are engaged in looking after marks, brands, and sanitation.
- GEORGIA. Bill before the legislature (Aug. 14, 1913) Copy not yet received.
- IDAHO. Has law defining and prohibiting certain insanitary conditions and enjoining protection of meats from contamination; giving authority to enter and inspect establishments and seize diseased or unwholesome meats, enforced by Dairy and Food Commissioner through his deputies and by prosecution. Idaho Food Bulletins publish inspections and prosecutions.
- ILLINOIS. No reply.
- INDIANA. Chap. 104, Acts 1907, authorizes Board of Health to

WORLD OF THE VARIOUS STATES.

ALABAMA.

No law under which meat may be inspected. City.

ARIZONA.

ins and examining samples; provided for possession of meat and for sale of deleterious, decomposed or diseased animal substances, and for seizure of the goods. (Imperative Aug. 4, 1913, for lack of appropriation)

CALIFORNIA.

COLORADO.

Has a meat inspection law, passed April 30, 1907, and regulates the same; inspection required for or inspector to be appointed, and local health officers, who will act, are designated by the State.

CONNECTICUT.

DELAWARE.

No State meat inspection. Has a Town Food Law. City of Wilmington employs a meat inspector.

FLORIDA.

Food & Drug Act and various regulations for examining samples; provided for protection on for sale of adulterated, misbranded, deteriorated, decomposed, or diseased animal or vegetable substances. Three inspectors and all local health officers are engaged in issuing other marks, brands, and sanitation.

GEORGIA.

Bill before the Legislature (Aug. 14, 1913) Copy not yet received.

ILLINOIS.

com. laws and enforcing protection of meats from contamination. Has a law for the inspection of animal products, enforced by Dairy and Food Commissioner. Illinois has deputies and by prosecution. Food and medicine public inspection and prosecution.

INDIANA.

No law. Aug. 1907, with various Board of Health to

collect and examine samples and promulgate rules; define and forbid manufacture or offer for sale of adulterated, misbranded, deleterious, decomposed or diseased animal or vegetable substances. Chap. 163, Acts. 1909, prescribes sanitary requirements for food-producing establishments. 600 local health officers have been deputized by State to enforce these laws.

IOWA.

Sanitary law provides for inspection of premises, utensils, etc., and prohibits insanitary and unclean conditions; enforced by 8 food inspectors. Bulletins show prosecutions.

KANSAS.

Food & Drug Law authorizes regulations and examination of samples; provides for prosecution of violators for manufacture or offer for sale of adulterated misbranded, deleterious, decomposed or diseased animal substance. There is a partial inspection of markets and slaughterhouses by five traveling food & drug inspectors. Many county health officers inspect slaughterhouses under the food and drug and Sanitary laws and report conditions to State Board of Health. During the past year 1717 markets and 121 slaughterhouses were inspected, resulting in 12 prosecutions. Many places were temporarily closed up for cleaning. Estimated cost chargeable to meat and slaughterhouse inspection work, \$2700.

KENTUCKY.

Law provides for examination of samples and prohibits manufacture or offer for sale of adulterated, misbranded, deleterious, decomposed or diseased animal substances. Good regulations have been adopted. There is also a law requiring wholesome parts from diseased animals to be so marked. Principal effort of food and drug department is now directed towards education of public sentiment to demand municipal abattoirs as previous enforcement of sanitary laws and prosecutions thereunder encountered opposition.

LOUISIANA.

Sanitary Act provides that Board of Health shall appoint veterinarians to inspect all animals intended for food before and after slaughter; all meats brought into municipality must bear marks of inspection of accredited State, municipal or U. S. officials.

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- MAINE.** Chap. 111, Laws 1911, authorizes regulations for collection and analysis of samples; prohibits manufacture or sale of adulterated, misbranded, deleterious, decomposed or diseased animal substances.
- MARYLAND.** Board of Health agents may order destruction of adulterated or unwholesome food. Two experienced butchers act as inspectors.
- MASSACHUSETTS.** Prohibits sale of meat or parts thereof unless inspected and stamped by U.S. Dept. Agr., Mass. official inspectors, or by official inspectors of the State or city in which slaughtered; 3 traveling veterinary inspectors, 63 veterinary inspectors and 342 lay inspectors receiving from \$25 to \$500 a year. Appointment and compensation of these inspectors are divided between the State and Counties. 264 Licensed slaughterhouses. Total carcasses inspected, 7 months-- 126,744.
- MICHIGAN.** No reply.
- MINNESOTA.** Law gives authority to enter establishments, inspect food, take samples, report for examination and seize unwholesome foods and to promulgate regulations therefor. There are 7 food inspectors.
- MISSISSIPPI.** No reply.
- MISSOURI.** Food and Drug Commissioner is authorized to make and enforce regulations for sanitation in food-producing establishments and for cleanliness in preparation and handling of foods; to inspect establishments and report violations of law and regulations for prosecution. \$45,000 appropriated for food and drug work in two years.
- MONTANA.** No State appropriation. Local health officers have authority to destroy unwholesome food and prosecute dealers.
- NEVADA.** No reply.
- NEW HAMPSHIRE.** Has law "in compliance with Federal Food and Drug Law". Many inspectors (local) authorized to inspect meats for shipment to Massachusetts and collect fees therefor. No particular qualifications necessary.

MAINE

MASSACHUSETTS

MICHIGAN

MINNESOTA

MISSISSIPPI

MISSOURI

MONTANA

NEBRASKA

NEW HAMPSHIRE

Board of Health agents may order destruction of animals infected or suspected of being infected with rabies. Two experienced inspectors are employed for this purpose. Rabies is a dangerous disease and is highly contagious. It is fatal to man and animals. It is caused by a virus which is found in the saliva of infected animals. It can be transmitted by a bite or scratch from an infected animal. It can also be transmitted by contact with the saliva of an infected animal. Rabies is a disease that can be prevented by vaccination. It is important to keep animals vaccinated and to avoid contact with wild animals.

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Various inspectors are employed by U.S. Dept. Agr., Mass. official inspectors, or by official inspectors of the State. The inspectors are employed for the purpose of inspecting and certifying the health of animals. They are also responsible for the inspection of food and drugs. The inspectors are employed for the purpose of inspecting and certifying the health of animals. They are also responsible for the inspection of food and drugs. The inspectors are employed for the purpose of inspecting and certifying the health of animals. They are also responsible for the inspection of food and drugs.

No reply.

Food, drugs, and cosmetics, report for inspection and seizure. There are 7 food inspectors.

No reply.

Food and Drug Administration is authorized to make and enforce regulations for sanitation in food-producing establishments and for cleanliness in preparation and handling of food; to inspect establishments and report violations of law and regulations for prosecution. \$45,000 appropriated for food and drug work in two years.

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NEW JERSEY.

Law authorizes Board of Health to inspect and destroy unfit food; prohibits sale, distribution, manufacture or possession for sale of adulterated, misbranded, deleterious or diseased animal substances. Slaughterhouses must be licensed and kept in sanitary condition. Estimated annual cost \$3000. One veterinary inspector; 200 licensed houses. 132 houses have gone out of business since the Slaughterhouse License Act.

NEW YORK.

Only inspection is under Food and Drugs Act, which prohibits sale or manufacture, etc. of adulterated food; adulteration is defined to include any filthy, decomposed, putrid or diseased animal or vegetable substance.

NORTH CAROLINA. No State inspection.

NORTH DAKOTA. Sanitary Inspection Law provides for inspection of premises, utensils, etc. in food-producing establishments; enjoins cleanliness in handling and preparing foods. Diseased Meat Law requires labeling of wholesome parts from diseased animals. Some inspections of meats and markets are made and the results of inspection published in bulletins. Estimated cost, \$500.

OHIO.

Law defines insanitary slaughterhouses as nuisances which the Board of Health is authorized to abate.

OKLAHOMA.

No inspection.

OREGON.

Law authorizes regulations governing inspection of foods and establishments and the seizure of filthy decomposed, diseased, adulterated or misbranded animal or vegetable substances. There are five deputy food and dairy inspectors.

PENNSYLVANIA.

Good regulations for meat inspection have been promulgated by State Live Stock Sanitary Board. Inspectors are paid by counties and establishment proprietors. Ten agents during 1912; 1891 slaughterhouses and 3875 markets were inspected; 4,866 antemortem and 29,522 postmortem inspections made; 10,445 organs examined. Total inspections, 971,112 pounds; total condemnations, 17,141 pounds. Appropriation for two years, \$63,000.

NEW JERSEY.

Law of 1907, and Board of Health to inspect and
destroy unfit food; prohibit sale, distribution,
transportation or possession for sale of adulterated,
misbranded, deleterious or diseased animal substances.
Slaughterhouses must be licensed and kept in
sanitary condition. Estimated annual cost \$3000.
New Jersey has gone out of business since the
Slaughterhouse license Act.

NEW YORK.

Sanitary Code is under Food and Drug Act, which
prohibits sale of adulterated, misbranded or
deleterious food, and requires inspection of
or vegetable substance.

NORTH CAROLINA.

NORTH DAKOTA.

Inspection Law provides for inspection of
establishments; enjoining cleanliness in handling and
preparing foods. Diseased Meat Law requires label-
ing of wholesome parts from diseased animals. Some
inspections of meats and markets are made and the
estimated cost, \$1000.

OHIO.

OKLAHOMA.

OREGON.

Inspection Law governing inspection of
establishments and the sale of filthy
foods, diseased, adulterated or misbranded
animal or vegetable substances. There are five
inspectors.

PENNSYLVANIA.

Inspection Law provides for meat inspection have been
established by the Live Stock Sanitary Board.
Inspection of meat by sanitary and health
inspectors. Two sanitary inspectors and
one health inspector. Total inspectors
three. Estimated cost, \$1000.
Appropriation for 1907, \$1000.

RHODE ISLAND. No reply.

SOUTH CAROLINA. Food and Drug law authorizes regulations for examination of samples, and prohibits manufacture or sale of filthy, decomposed, diseased, adulterated, or misbranded animal substance. Have just undertaken to visit each slaughterhouse and meat market in State.

SOUTH DAKOTA. No reply.

TENNESSEE. No law. Meat and slaughterhouse regulations have been adopted by Food and Drug Dept., however, which are merely persuasive. Four inspectors. Two additional inspectors to be appointed.

TEXAS. Only operation is under the Food and Drug Act, similar to the Federal law, which contains prohibition against sale of diseased meat.

UTAH. General food inspectors look after sanitary conditions of slaughterhouses and meat shops. Two deputies are engaged in food inspection.

VERMONT. State Board of Health is authorized to regulate slaughtering. Cases which cannot be handled by local health officers are referred to the sanitary inspector of the State Board.

VIRGINIA. Food and Drug Law authorizes regulations for examination of samples, and prohibits manufacture or sale of filthy, decomposed, diseased, adulterated or misbranded animal substance. Five food inspectors are employed.

WASHINGTON. State Dept. of Agriculture has jurisdiction over meats only through Pure Food and Drugs Act which is practically a duplicate of the Federal act. One regular food inspector, an experienced butcher, inspects butcher shops and slaughterhouses in connection with his work and if he discovers an animal which is diseased or unfit for food either prevents the slaughter or confiscates the meat. No attempt made to locate all butcher shops and slaughterhouses in the State. Biennial report for period ending Oct. 31, 1912, shows inspection of 719 meat markets and 120 slaughterhouses, some of these inspections being duplicates.

WISCONSIN. Recent law authorizes counties and cities of more than 5000 to erect municipal abattoirs. Board of Health is required to make annual inspections of slaughterhouses. The usual Food and Drug Law prohibition on the sale of diseased animal substances, etc., is in force.

WYOMING. No reply.

Now I think all the States ought to take this matter up in a comprehensive way and endeavor to get sufficient funds to carry it out and it is my opinion that the only way is by the establishment of these municipal abattoirs. They have a further advantage, too, during these days of the high cost of living in this: You all have a municipal market to go with your abattoir. You have your market days like they have in Europe, where you can bring in your sheep and your cattle and sell them to the local butchers. Lots of us know of cases where cattle are shipped a hundred or two hundred miles to these large stockyard centers, then they are shipped back over the same railroad and sold to the people in the locality where they came from in the beginning. That is an enormous loss. The farmer who has two or three sheep and a cow to sell has to sell them to some drover. Why could he not take them to the butcher in town, have them slaughtered in the municipal slaughtering house and sold right there to the people in the neighborhood and save all that expense of having them travel around the country. I think it is absolutely feasible and at the same time it is making for the better sanitary condition of the meat.

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Dr. Barry: I would like to ask Dr. Melvin a question. As I understand it, your Department has made an extensive investigation of the subject and I would like to inquire if there is any danger to the public

health from the use of diseased cattle. There is a real

Dr. Melvin: That, of course, is a question that is very difficult to answer in definite terms. You take the question of tuberculosis itself as conveyed from people and animals to other people and other animals, and that in itself is one of great uncertainty. We know without any doubt that tuberculosis is conveyed in those ways, and vice versa, but to say definitely just what danger there is of that sort of contagion is very hard. I

do think, however, there is very real danger in people using diseased meat. One of our greatest protections in eating meat is the heat which has been applied to it in the cooking process. That minimizes the danger but even so you don't absolutely avoid it. That is more and more apparent as our country is filled with immigrants from Europe, where it is the custom not to cook their meats well. One of their dishes is pork hashed up and merely steamed without being cooked. That is

really dangerous. The danger of infection, however, is very much minimized by meat being well cooked.

I wish I could answer you more specifically and point out particular instances where danger has come.

Dr. Emery: Your Department holds there is a real danger of tuberculosis being conveyed from cattle to man?

Dr. Melvin: Personally I do, yes, sir.

Mr. Flanders: I would like to ask this question--it is appropriate to the discussion, I take it. Which is the safer way to eat meat--broiled or fried? The reason I asked that is this: A number of years ago my idea was that the average housewife fried just about all the meat the family ate and I have been told pretty generally that that way of cooking it took all the juice and wholesomeness out, and the question in my mind is which is the better way. Can you tell us, Dr. Alsberg?

Dr. Alsberg: I have not that information. (Laughter)

The Chairman: I dont know how the rest of the convention feels about it, but it seems to me that the rest of Dr. Melvin's paper should be included in our report if it is not going to be read at this convention, because I am confident that we are all very much interest-

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Dr. Alaberg: I have not that information. (Laughter)

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because I am confident that we are all very much interest-

ed in it and I for one would be pleased if Dr. Melvin would hand it to the stenographer. (Report is incorporated in this stenographic report pages 25--30 inclusive).

Mr. Abbott, Texas: Dr Melvin mentioned Paris, Texas, in connection with this meat inspection work. Paris, Texas, is a little city of 15,000 people and they have built a small municipal abattoir. It has been in operation several years and it has been very successful. All the meat consumed in that little city is inspected in this abattoir, postmortem. The charge for this is only a small fee. They charge a fee for slaughtering and curing and storing and they have set a pace that I think could be followed by all the little cities in this country. This abattoir cost originally about \$10,000 so you can see it is small. They have been able to pay for the inspection and have kept up the improvements and have sufficient funds to create a sinking fund and pay off the indebtedness and it is pretty nearly out of debt. In other words, it is run at practically no expense to that little city and if there are any of the commissioners here interested in trying to get such things in their States, and I

ed in it and I am sure it would be pleased to Mr. Melvin

in this stenographic report pages 25-30 inclusive).

There, in a small town, is a little city of 15,000 people and they have built a small medical hospital. It has been in operation several years and it has been very successful.

All the work consumed in this little city is transported in this hospital, Poston. The charge for this is only a small fee. They charge a fee for sleeping quarters

and eating and storing and they have a fee for that

I think could be followed by all the little cities in this country. This system cost originally about

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suppose they are really all interested in it, it would be worth your while to write to the city of Paris, Texas, and find out from the authorities something about their plan and get something in detail in regard to their methods of running the abattoir and the way they have made it self-supporting. Taking that as an ideal, so far as practical working is concerned, the food department of Texas has tried to interest other little cities to do the same thing. I have worked harder on that one thing than any other one thing because I realize that simple cleanliness in a slaughterhouse and simple cleanliness in handling the carcass after slaughtering does not get at the heart of the meat problem.

I can close up these frightful little slaughterhouses, as I have been doing, but I cannot inspect all the carcasses that come out of it. It would take a thousand men to do that in the State of Texas.

I don't know whether it would be appropriate for me to tell you how I have tried to get other little cities to follow the example of Paris, because I have failed and nobody is particularly interested in hearing about failures, but I will tell you a little bit of the

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effort the food department there has made to get these little cities in Texas to do that.

First we go to the mayor in person and tell him what we know about diseased meat and what the law is and that it is unlawful to sell diseased meat and tell him that we would like to see each little city take charge of its own meat supply. The mayor is usually a man of the world who does not believe very much in matters of public health. None of the other officials of the city believe in it either. The men down in Texas generally do not believe in public health problems. They may in this eastern country and in the North, but in Texas they do not think much of it. So after I have exhausted all my resources with the mayor and the other officials of the town and have failed, as I always do, I usually take up some other method of handling it. The only effective method to get those men and that mayor to take notice and bring them to turn about is to get three or four automobiles and get some of the ladies in those cities—I have just spent about five days doing that in Austin, Texas—and drive them out to these country slaughtering houses and show them what is there and see

the filth and let them smell the wind and come back to town and drive them up in front of the mayor's office and go in with them and have a conference with the mayor. (Laughter) I have done that in Austin, (named six towns) and I will make all the other numerous towns in Texas in that same way before I stop. I do not know whether this method is going to get results or not but it is sufficient to say that some of the mayors I have visited in this way have already issued calls for subscriptions for bond issues to build abattoirs. Whether they will carry it through or not is another proposition.

With reference to cooperation in this particular line, I would like to suggest to Dr. Melvin that once a month he write to the mayor of every city in Texas and enclose that little card that will go in an ordinary envelope, giving a summary of the meat inspection of the Bureau of Animal Industry for the past year. I want Dr. Melvin to ask every one of those mayors a few questions about his place. One would be, "Does your city maintain a municipal abattoir?" Or no, say "slaughterhouse". Those people down there wouldn't know what you were talking about if you said "abattoir".

Then ask them this: "Do you employ a regular graduate veterinarian to inspect the meat of animals slaughtered for consumption in your city?" "Do you anticipate attempting to establish such inspection for the protection of the public health?" I would like to have you send them those questions periodically and make it a personal letter-- if you don't know his name write to me and I will tell you his name-- and keep that on his mind until he pays some attention to it. It is like being flooded with advertisements about a certain thing. Maybe you do not go out and buy the thing the first time you get the advertisement telling you about it but maybe later when you happen to be out shopping you call for that particular thing because you happen to know its name. I think this scheme of cooperation is entirely feasible and of supreme importance. I think the federal Government ought to help us to induce the cities to do their part and get the local inspectors to take a hand in the protection of the public health in matters that are strictly local matters.

I have come to the conclusion after six or seven years of floundering around as food commissioner of

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Texas that the real backbone of the whole food problem, as far as the public health is concerned, is the cleanliness of the product and the soundness of the product that we eat. If things are clean and not decayed, why they are all right. If they are dirty and decayed, why then they are all wrong, and that is the backbone of the whole problem.

I would like to see all of us cooperate to the extent of going according to the laws that we have. I am a stickler for staying with the law as it is until we get a better law and can go farther and do more in the securing of clean food and sound food, and by "sound food" I mean undiseased as well as undecomposed. Let us try to accomplish these things and until we can secure these things we had better let a good many of these other little matters alone.

I would like to say a word on the details of co-operation. Of course we all agree with the general principles set forth. I heartily agree with the general principles Dr. Emery has outlined. Dr. Emery would make a good Democrat, I am sure. I wish we had him down in Texas. I don't think it is decent for anybody to make

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researches and discover things that are beneficial to the public generally and then go and stick that information in a hole somewhere so that nobody else can get it. The kind of cooperation I need most, or what I think I need most anyway, is to know what the federal Government is doing in their laboratories and what every other food control official is doing in his laboratory. I would be willing, I am willing to send a copy of every analysis that my assistant chemists make to a clearing house in Washington, to the Bureau of Chemistry. I would like to see every other food department in this country send a copy of every analysis that they make to this same clearing house. I would like to see the Bureau of Chemistry put a detailed copy of every analysis that they make also in this clearing house. I would like for every one of these detailed analyses to show the judgment of the commissioner with respect to that particular article, and then I should like for this clearing house to make copies of these and send them out to every executive officer engaged in the food work.

Now whether or not the Department of Agriculture would be willing to give out this private information I am not informed. Whether or not the several State

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Now whether or not the Department of Agriculture would be willing to give out this precise information I am not informed. Whether or not the several State

officials would be willing to give out that work, those private analyses, I am not informed. I am speaking only for myself. I should be very willing to do it and I should be willing to go farther than that even. I would be willing to send in to this general clearing house in Washington the outline of the work I am proposing to do for the next thirty days or the next sixty days or any given period of time. If we would all do that I feel that the food department of Texas would get a great deal of information that would save our efforts to solve problems that have already been solved by somebody else somewhere. Not only that but it would be an education to the food department of Texas. I don't know just how far Dr. Alsberg has felt that they can go with this clearing house proposition he has started in the Bureau of Chemistry but I hope he can go that far. Personally the State of Texas will go just as far as the federal Government will go in that regard.

Chairman: Gentlemen, it is fifteen minutes to twelve. I presume the few minutes remaining could be very profitably spent if any person present wishes to address the convention along the lines of the subject

up this morning.

Mr. Brown, Tennessee: I would like to get some expression of opinion from Dr. Melvin, if I can, as to how much greater the percentage of infection is in uninspected meat than in inspected meat supplies. Is it possible to give any figures on that, Dr. Melvin?

Dr. Melvin: I have no definite figures to show that because we don't have inspection over all these slaughterhouses and don't know how much they do kill. Mr. Allen tells me it is tremendous. I know when the new meat inspection act was passed in 1906 our inspection was extended to a great many places that previously had had no inspection at all, and the number of animals killed in those places was very much greater than in those we had previously inspected; it rapidly demonstrated that infected carcasses did come from those places. My reason in accounting for the change is that they were more particular with what went to the places under inspection and took only the animals they thought would pass inspection. I do not doubt that there is a great difference between those and the animals slaughtered in the places without any inspection.

In regard to the question asked by Dr. Emery as to whether the Department of Agriculture holds that tuberculosis is transmissible from animal to man, probably I should have said more in answer to that than I did and explained that I considered its transmission from infected milk is extremely probable, especially to young children and babies. Whether there is that same danger through eating meat I doubt, except in cases of generalized infection. That has been shown possible where you have these generalized cases of tuberculosis.

Chairman: Because it is almost time to adjourn now I wish to announce one or two committees that have work to do in Washington. Dr. Crumbine is the head of the Committee on Cooperation, Mr. Flanders of the Committee on Standards, and Dr. Caspari of the Committee for the Standardization of Drugs. I would suggest they get their committees together and attend to the work intrusted to them while they are in Washington, and I would like to see the executive committee for a minute or two right after adjournment.

ADJOURNED UNTIL 2 p.m.

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minutes or two later after all comments.

2.15 P. M. November 14, 1913.

The Chairman: Is there any further discussion of the question we had up this morning, the matter of cooperation? It has been thought advisable to take up at this time the report of the Committee on Cooperation(copies of which I presume all of you are supplied with) to consider and take action on each recommendation. Tonight the Committee will meet and prepare a report based upon the discussion which has taken place today and present that report at the next session. Therefore unless there is some objection, let us turn to paragraph 2, page 2, after the signatures of the members of the Committee. I will call upon the secretary to read paragraph 2.

Dr. Randall: "2. We recommend that the Secretary of Agriculture be requested to cause instructions to be issued to all food and drug inspectors operating under the national food and drugs act to the effect that whenever violations of the State food and drugs acts come under their observation they shall report the same

to the commissioner or collaborating official in that State. It is further recommended that all collaborating State officials in the several States be requested to transmit immediately to the Secretary of Agriculture information as to violations of the national law or information which may lead to the discovery of such violations, where such official may for any reason be unable to handle such case satisfactorily or expeditiously.

The Chairman: Now, Gentlemen, this recommendation is before you for such action as you desire to take.

Mr. Allen of Kentucky: This is so plain and self-evident that I move its adoption.

The Chairman: The motion before the house is that this recommendation be adopted and that the Committee on Cooperation embody it in their resolutions, or report, rather.

Adopted.

The Secretary will read the next paragraph.

Dr. Penhall: 3. Whereas Regulation 4 of Circular No. 21 prescribes that: Unless otherwise directed by the Secretary of Agriculture, the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopoeia, your Committee on Cooperation requests that all collaborating chemists be supplied by the Secretary of Agriculture with the methods of analysis employed in the Bureau of Chemistry in the examination of foods and drugs, where methods have received the approval of the Secretary of Agriculture, and are not those methods prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopoeia.

We recommend that the Secretary of Agriculture be

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It is further recommended that the collaborating officials be requested to send to the Secretary of Agriculture, and to other collaborators in the several States, all new information of value and general interest pertaining to their official work and investigations.

The Chairman: What is your pleasure on this paragraph, Gentlemen?

Dr. Caspari: In connection with Section 3, I should like to submit the following, which was agreed upon by a conference of the officials in the State of Maryland. "We entirely agree with this recommendation, though we doubt whether the Secretary of Agriculture has the power to change the methods in the case of drugs from those given in the U. S. Pharmacopoeia. The power of the Secretary to make rules and regulations is evidently not allowed to change the law. We think that in addition to the information furnished confidentially generally to all the collaborating officials that provision should be made by the Bureau of Chemistry for prompt replies to special letters asking for information."

(That last sentence I read without meaning to cast any reflection whatever upon the Bureau of Chemistry.)

the collaborating officers in the performance of their duties.

It is recommended that the collaborating officers be requested to send to the Secretary of the Board of Prison Commissioners in the several States a list of names and general information of value and interest pertaining to their official work and investigations.

And then we say this: "We further recommend that a full transcript of the findings of the federal inspectors should be forwarded to the State officials, accompanied by samples taken under proper precautions in those cases where a prosecution could not be instituted under the national law but could be under the State law.

The Chairman: Would that be germane to the consideration of this recommendation?

Dr. Caspari: I think so. It was drawn up in connection with the discussion of section 3.

The Chairman: You offer that in place of section 3?

Dr. Caspari: No, it is simply to give the views of the State of Maryland.

The Chairman: As a motion?

Dr. Caspari: No, it is not a motion, simply a suggestion.

The Chairman: I see.

Mr. Allen of Kentucky: Would it not be a good thing to refer those recommendations to the Committee, Mr. Chairman? I so move, that all recommendations with reference to this report be referred to the Committee to report thereon tomorrow.

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The Chairman: I see.

Mr. Allen of Kentucky: Would it not be a good thing to refer this recommendation to the committee, Mr. Chairman?

I do not know, but all recommendations are referred to this committee.

The Chairman: I think that is a good suggestion.

Mr. Allen: And that all recommendations be in writing.

The Chairman: The motion is made that all recommendations or suggestions along the line of this report be referred to that committee in writing for consideration.

Seconded and adopted.

Dr. Alsberg: I think the plan to refer these recommendations to the committee in writing is an excellent one. I would like, however, to have an opportunity to say a few words about what kind of information we in the Department of Agriculture would like to have on this point. We would like to know, for instance, just what type of confidential information you gentlemen find most useful. We would like to give you all the information we can. We are not always sure of what will be most useful to you and I hope that one or two of the gentlemen here may have some definite views on this matter of the United States Pharmacopoeia and the National Formulary and Standards. It is true we have not the power to change those standards but it would do no harm to identify our views on these points so that we may in the future get authority to make changes

when they are necessary. We have a great deal of trouble with these particular standards. Mr. Doolittle will tell you about that because he has more to do with the importations of drugs than anyone else. I would like to have the question ventilated a little bit.

Mr. Doolittle: There is one question in connection with methods of analysis that was brought out very clearly in a case we had in St. Paul, Minn., with reference to the methods of analysis that should be used. It was a case in connection with vinegar, where we had used different methods of analysis than any prescribed by the A. O. A. C. or any books of reference, and the methods we had used had not been approved by the Secretary of Agriculture, or at least we could not show in court that they had been approved by him. And so the question went up before the judge as to whether or not those methods could be used in that case and the judge held we had the right to use any methods to show that misbranding or adulteration existed.

Dr. Caspari: That did not refer to the methods of the U. S. Pharmacopoeia, though. It may be of information

when they are necessary. The same is true of the
 with these historical documents. Mr. Justice will tell
 you about that because he has been to the site and seen
 some of the things that were done. I think that he has the
 greatest knowledge of the case.

Mr. Justice: There is no question in my mind

with regard to the fact that the things that were
 done in the case are the same as the things that were
 done in the case of the other. I am not sure that I am
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to those present to state that in the Pharmacopoeia methods of assay it is stated that when tested by the methods of assay given below the above results will be obtained. That limits it to the methods given in the U. S. Pharmacopoeia undoubtedly, and any other method might give different results. But the language of the Pharmacopoeia is very plain on that subject.

Mr. Allen of Kentucky: There is one section of the law that goes directly and specifically to the Pharmacopoeia and that is the section which says if when a drug is sold or offered for sale by a name recognized in the U. S. Pharmacopoeia it must comply with the standards as laid down in the Pharmacopoeia as determined by the tests. That is one section of the law. Now we have found in our Kentucky law, and undoubtedly other States have found the same thing, that a large majority of the Pharmacopoeial tests are very crude. They are not tests that the good chemist would use today. He has very much better tests than those prescribed in the Pharmacopoeia but if you come into court and say this does not comply with the Pharmacopoeial standard you must determine it

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 much better tests than the Pharmacopoeia has, but he
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by those tests because the law says so.

But, going away from that, there are other ways of getting at it and the court would certainly admit any competent testimony to show whether there was or was not adulteration or misbranding and therefore I would certainly like to see our chemists use any established methods to prove adulteration.

Under that one section, however, you will have to swing with it, but when you come to say a drug is sold under a professed standard and it does not comply with that standard any legitimate evidence would sustain you in court. But I hope that the new Pharmacopoeia is going to be a better piece of work than what seems to me to be a very crude piece of work. I hope it will have more and better chemical methods in it.

Mr. Hand of Mississippi:

Now with reference to what Dr. Alsberg had to say as to the kind of information that would be of help to officials, I believe that the chemists of the Bureau of Chemistry have had a very broad experience in the interpretation of results and sometimes State officials get hold of a sample that they are not quite certain whether the material is adulterated or not. In

by those tests because the law says so.

But, going away from that, there are other ways of getting at it and the law would certainly admit any competent testimony to show whether there was or was not adulteration or misbranding and therefore I would certainly like to see our chemists use any established methods to prove adulteration.

Under that one section, however, you will have to make your own standard to use if it is not under a professed standard and it does not comply with that standard any testimony will be admissible you in court. But I hope that the new Pharmacopoeia is going to be a better piece of work than what seems to me to be a very crude piece of work. I hope it will have more and better chemical methods in it.

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a case of that kind, where difficulty is encountered the chemists of the Bureau of Chemistry could be of very great assistance. When we have finished the work sometimes we are uncertain ourselves whether we are right or not. In cases like that it would be of the greatest assistance to refer them to the Bureau of Chemistry.

Dr. Crumbine: I would like to ask Dr. Alsberg two questions: First, whether they do follow the tests laid down in the Pharmacopoeia and, second, in that class of remedies in the Pharmacopoeia in which there are no tests laid down what do they do to arrive at proper conclusions. A large proportion of those tests are stated.

Dr. Alsberg: Where there are tests we follow them; where there are none we use our best judgment, any information we can get, either an old test or method or one we may have developed ourselves.

As to assisting State officials in giving them the use of whatever experience we may have acquired, we will be only too glad to write to you if you ask us for our judgment. We would give you of our experience to the best of our ability.

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perience to the best of our ability.

Sometimes, of course, we cannot give an unequivocal statement for the reason that we operate under the national law and we are not always familiar with the way the courts have handled such questions, the working of which are only in a general way settled. And we certainly are bound to perform analyses for collaborating officials if they make that request, and within the last six months we have had in our laboratories a number of assistant chemists from the various States who wanted to spend a little while with us to see how we handled the work. Mr. Abbott has had a man from his department down and we have had a number of men who have done that and learned our methods and we would be glad to extend any help along those lines we can. We have been planning to send a man around to visit the different State departments and talk with the people there and see what the different laboratories are doing and answer questions and explain what we are doing. We have not done that yet because it is going to take an exceptional man and he has to be tried out a little first. But it seems to me that is a plan that ought to do a great deal of good.

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Dr. Emery: I would like to ask Dr. Alsberg a question. I understand from chemists in our laboratory they desire to use some of the methods in the Pharmacopoeia for determining adulteration. I understand that the national law prescribes that the standards to be used shall be the standards laid down in the Pharmacopoeia. But if it is shown that those tests are inadequate or inaccurate and do not give any good results, is there anything requiring their use under the national law? Are you forced to use them or not?

Dr. Alsberg: As a matter of fact it is believed by a number of people that certain of the standards in the Pharmacopoeia are not correct standards. There is a pretty general opinion among those most familiar with, say, the essential oils that the Pharmacopoeial tests for oil of lavender and rosemary are not correct; that the oils differ according to the place where the plant was grown and that in certain sections of Europe the oils may be unadulterated and yet not conform with the standards in the Pharmacopoeia. Whether in this particular case that opinion is a correct one or not we are not prepared to say,

Dr. Emery: I would like to ask Mr. Alabaz a question.

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but in a case like that we are helpless. We do not proceed against an oil which does not conform to the standards in the Pharmacopoeia, provided we are convinced that the opposing side would bring in evidence which would be of some weight showing the standards of the Pharmacopoeia are not correct. That has been our practice. We are helpless in that instance.

Dr. Emery: Then here is another instance where the national law is sadly defective and where it calls for remedy at the hands of Congress.

Mr. Flanders: If I understand this proposition, it is this: Unless otherwise directed, certain methods shall be used but if those methods are not used I think the collaborating chemist should be furnished with a notice of what those drugs are. That is practicable, it seems to me.

Dr. Kebler: This question of the Pharmacopoeia is a very vital one and it probably does not come with the best grace in the world from me to criticize it because I am now one of the members of the revision committee, but nevertheless we must face the situation

as it is. The Pharmacopoeia does contain methods which are inefficient. We all must admit that. We have cases coming up now and then where a method has been tried out and found wanting. We try the Pharmacopoeial method and the trade tries another method. We cite the people in here for a hearing and tell them the article is not according to the law. They say the method we used is not as good as it ought to be. They say they have used a different method and they would be glad to have it tried out and so we do that. Sometimes their man will come right into our laboratory and we try it out side by side. If they are right, there is only one plan to pursue and that is to drop the case. There is no good of going into court and trying to prosecute a party with a defective method.

Dr. Emery: I agree with you exactly. The law needs to be changed in that particular, and there are other places just as weak as that one in the national law, other places that need to be corrected. This is no new position for me to take.

Dr. Kabler: No, we all realize that. But the adoption of a standard and then knocking it down is a

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Dr. Kehler: No, we all realize that. But the

adoption of a standard and then knocking it down is a

very serious thing. I was very much interested in hearing the discussion before Congress of this matter of standards. Mr. Woodruff of Parke, Davis & Co., said to put any other verbiage into the law would render the act unconstitutional in the first place and it would take away the proprietary rights of individuals by the appropriation of private names by the Pharmacopoeia. Another point raised was that it would bar progress, i. e., they could not improve a product and bring it to the attention of the trade without violating this law. I don't know whether anyone ever construed the law so that a man would be prosecuted because he put a better product on the market than that contemplated by the law or not.

Another thing, the committee of revision eliminated every possible synonym that could be eliminated. If you will refer to the index you will find quite a number of synonyms but they are not found as a part of the text itself. It has been construed that if a name is in the Pharmacopoeia whether in the index or the text it is regarded as a synonym of the product. For example, as Mr. Allen has indicated, a man may bring in a tincture of

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laudanum and call it mud and he would not have to comply with the Pharmacopoeia excepting to declare the opium. That is a very serious defect. We had a parallel case in New York. It was senna siftings, a well known trade article. It had been of most inferior character. This party was permitted to bring it into the country on condition that it be properly labeled. Then after it came in he shipped it into interstate commerce under the name of "Senna broken". That name does not appear in the Pharmacopoeia and in court that one particular feature was taken cognizance of by the court and it defeated our action. Now, I think it is very desirable to modify both the federal and State laws on that point.

Mr. Allen of Kentucky: I would like to ask Dr. Kebler to address his remarks to one particular point and that is subsection 2 of section 7: "If its strength and purity", etc. Do you hold that you are confined to the Pharmacopoeial methods to prove that?

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Mr. Allen of Kentucky: I would like to ask Dr. Keiser

to address his remarks to one particular point and
 that is subsection 2 of section 7: "If the strength
 and purity," etc. Do you hold that you are confined
 to the Pharmacopoeial methods to prove that?

Dr. Kebler: No.

Mr. Allen: That is my point. We don't consider that that section has any particular bearing on the tests of the U. S. Pharmacopoeia. Section 3 covers it.

Dr. Kebler: That feature of it we usually apply to things like acetanilid tablets or corrosive sublimate tablets. If it contains so many grains per tablet we hold that that declaration comes under subsection 2 and he is required to comply with that. If he falls below he makes a substandard and he is violating the law. There is another point to be brought out here and that is the substandard feature of the law. A great many manufacturers--I will not say a great many--but some dealers are shipping oil of rosemary in interstate commerce not as the oil of rosemary per se but they guarantee it under the food & drugs act and call it U. S. P. Now I hold that if they themselves put out an article under a certain standard they ought to be willing to stand by it. That is the interpretation I have put on that.

Dr. Caspari: This is a matter very close to my heart. As a member of the executive committee of

the Pharmacopoeia revision committee I would like to say for the information of all those present that the Pharmacopoeia was published before any national food law was promulgated. Since then there has been no revision of the Pharmacopoeia and it was not done with a view of evading prosecutions. We had no idea the food law would be enacted. And in the revision of 1914 we hope to remedy what few defects there may be found in the present methods. I am sure they will receive correction then. I am satisfied of that because for the past three years chemists all over the country have been at work with the view of eliminating any defects there may be in the present edition but I still must hold that when the Pharmacopoeia prescribes certain tests that those tests are the only standard. By those methods we must be guided and by those methods we must sustain our case.

Mr. Doolittle: I would like to ask Dr. Caspari if he takes into consideration the definition of the article itself.

Dr. Caspari: If no method of assay is given, yes.

Dr. Kebler was speaking of "senna siftings" and "senna broken"-- neither one of them is in the Pharmacopoeia. And oil of rosemary, the Pharmacopoeia does not say it shall not be more than so and so--; it says it shall not be less than, making a minimum requirement. Anything above that is accepted as standard, naturally, when tested by the method given below.

Mr. Doolittle: What I had in mind just then was gum tragacanth. It says gum tragacanth shall be so and so and certain tests of purity are given for it. Now Indian gum would comply with all those tests for purity but it is an entirely different product from a different plant. Now wouldn't we be justified in bringing a prosecution where a man has substituted an inferior gum for gum tragacanth, although the tests for purity laid down by the Pharmacopoeia would not determine that?

Dr. Caspari: Yes, I should think you would undoubtedly.

Mr. Doolittle: Then the reading of the law where it says "by the tests given in the Pharmacopoeia" should be "and definitions"?

And neither one of them is in the Pharmacopoeia.

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And the standard is not stated in the case of

the oil of rosemary, the only one of the oils which is

not mentioned in the Pharmacopoeia.

And the standard is not stated in the case of

the oil of lavender, the only one of the oils which is

mentioned in the Pharmacopoeia.

And the standard is not stated in the case of

the oil of bergamot, the only one of the oils which is

mentioned in the Pharmacopoeia.

And the standard is not stated in the case of

the oil of lemon, the only one of the oils which is

mentioned in the Pharmacopoeia.

And the standard is not stated in the case of

the oil of orange, the only one of the oils which is

Dr. Caspari: Yes, I should think so.

Mr. Lythgoe: I think the trouble with the national and the State laws is that they are not in conformity with the standard laid down in the Pharmacopoeia; and if the law is amended that way there will be no trouble at all, if you say nothing about methods of determining purity.

Mr. Brown of Tennessee: We seemed to have arrived at the point where we were all agreed that there is a considerable confusion exists but there is a point that has not been brought out, and it is a point that I would like to have it discussed a little for my own information, and that is, as to whether or not fraudulent products do not now, on account of this chaotic condition induced by the Pharmacopoeia, get onto the market and get past the food officials. I agree with Dr. Emery and Mr. Lythgoe that the defect is in the law and I do not think we will get any help until we get the law changed and I wanted to emphasize the fact that the law is defective and not to hold the law blameless and I think we ought to take what course is necessary to secure its correction.

Dr. Alsberg: I think Mr. Brown has summarized it correctly. I mentioned the question of the Pharmacopoeia without myself indicating what we thought about it. I hoped the condition of affairs would come out spontaneously for discussion, as it has. I wanted that for my own information to learn in a general sort of way how this meeting felt about that particular thing in order that I might act accordingly, and also in the hope that it might result in stimulating some of you to try to get some action. There doesn't seem to be any definite action we can take about it at present and I move the question on Mr. Allen's motion.

The Chairman: What is your motion, Mr. Allen?

Mr. Allen of Kentucky: That Dr. Crumbine's committee take care of Dr. Caspari's recommendation and any other recommendations which may transpire during this discussion of the report of the committee on co-operation, and that those recommendations be handed in in writing, and that the word "richardson" be stricken

Seconded and adopted.

The Chairman: That disposes of section 3. The secretary will read section 4.

proper precautions in those cases where a

Dr. Alsborg: I think Mr. Brown has summarized it

correctly. I mentioned the question of the Pharmacopoeia without myself indicating what we thought about it.

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The Chairman: What is your motion, Mr. Allen?

Mr. Allen of Kentucky: That Dr. Crumrine's committee

other recommendations which may transpire during this

discussion of the report of the committee on co-

operation, and that these recommendations be handed in

in writing.

The Chairman: That disposes of section 3. The

meeting will now adjourn.

Mr. Randall: "4. We recommend that the Secretary of Agriculture invite the various collaborating State officials to correspond with this department in all matters requiring information or advice, and urge upon them the desirability of interchanging ideas and information upon all matters pertaining to the enforcement of the national food and drugs act."

Mr. Allen: I move its adoption.

Seconded and adopted.

The Chairman: The secretary will read paragraph 5.

Mr. Randall: "5. We recommend that, where perishable food or drug products have entered into interstate commerce and are found or believed to be unfit for food or drug purposes, and there is a reasonable doubt as to the condition of such product at the time of shipment or manufacture, full information concerning the case to be referred to the State official in whose State the shipment originated as soon as the first steps looking to the condemnation of such product have been taken. This State official should immediately investigate the sources of such product and the sanitary conditions under which it is manufactured or produced, and immediately submit all information obtained in said investigation to the State or Federal official referring the case."

The Chairman: Is there any discussion on that?

Dr. Caspari: I should like to offer the following as agreed upon by the officers of the State of Maryland "We recommend that the word 'perishable' be stricken out and we further recommend that a full transcript of the findings of the federal inspector be forwarded to the State official, accompanied by samples taken under proper precautions in those cases where a

Mr. Randall: "4. We recommend that the Secretary of Agriculture and the various collecting departments to correspond with this department in all matters requiring information or advice, and urge upon them the desirability of interchanging ideas and information with this department in the interest of the national food and drugs act."

Mr. Allen: I move its adoption.

Seconded and adopted.

The Chairman: The Secretary will read paragraph 5.

Mr. Randall: "5. We recommend that, where perishable food or drug products have entered into interstate commerce and are found or believed to be unfit for food or drug purposes, and there is a reasonable doubt as to the condition of such product at the time of shipment or manufacture, full information regarding the case be referred to the State official in whose State the shipment originated as soon as the first steps looking to the condemnation of such product have been taken. This State official should immediately investigate the sources of such product and the sanitary conditions under which it is manufactured or produced, and immediately submit all information obtained in said investigation to the State or Federal official having jurisdiction in the case."

The Chairman: Is there any discussion on that?

Mr. Cooper: I would like to state the following:

As agreed upon by the officers of the State of Maryland

"We recommend that the word 'perishable' be stricken

out and we further recommend that a full transcript

of the findings of the Federal Inspector be forwarded

to the State official, accompanied by samples taken

under proper precautions in those cases where a

prosecution could not be instituted under the national law but could be under the State law."

The Chairman: That will go to the Committee.

Dr. Crumbine: I would like to explain to the convention the reason for the committee making this particular section and the reason why "perishable" was put in there. This was intended to bring forward that point of sanitation, the very thing we have not been doing and that the government is powerless to do because they have not the police powers that we have and I trust that the word "perishable" will not be stricken out. We wish to reach that very point of sanitation at the place where the thing is produced and one of the greatest things that will stimulate the State officials to action is getting a complaint from a neighboring official concerning a perishable article that was shipped from within that State in an unfit condition, or which went bad in the due course of commerce. That will cause that State official to inspect the place of business of that manufacturer immediately. I trust the word "perishable" will not be stricken out. It was put in there and intended to cover this very point.

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What is the point of this? It is to show that we are

powerless to do anything about it.

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Dr. Caspari: I should like to know what is a perishable food as defined by the committee on co-operation in its report.

Dr. Crumbine: That might go a good ways, Dr. Caspari. We had in mind an article of food which was of sound and proper condition at the time of shipment perhaps and yet which before it reached its place of destination would become unfit for food.

Dr. Caspari: That being the case, "perishable" would not interfere with it at all.

Dr. Crumbine: It would interfere with the force of the paragraph itself. I have no objection to adding the other part of your suggestion, but the word "perishable" calls attention to the sanitary feature of it.

Dr. Caspari: Why not say "other foods"?

Mr. Flanders: In reading this over it seems to me it means they would only send us information in regard to perishable foods.

Dr. Caspari: Why not say "all foods"?

Mr. Flanders: My impression is that "perishable" is a restrictive word and takes the action down.

Mr. Brown: The paragraph does not altogether express

the thought that Dr. Crumbine in his explanation gave. Could we not get at it amending this paragraph, which is now two years old and on which we now have much more light than we did then, so as to express the thought Dr. Crumbine has in mind?

The Chairman: If I may be pardoned I would state that I presume the Committee will act upon the light they have after this discussion so that it would not be necessary to be acted upon at this present time.

Dr. Crumbine: Yes, but this particular paragraph was formulated for the express purpose of taking in perishable products, "and there is a reasonable doubt as to the condition of such product at the time of manufacture". Now if you want to include all foods and drugs in that why not let this sanitation paragraph stand as it is and make another paragraph besides to cover the other. We want to emphasize this thing. It applies to that particular class of products and I hope it may stand just as it is. If it is not comprehensive enough to suit everybody let us add another paragraph but do not change this one.

The Chairman: That will be left to the Committee .

Mr. Flanders: I notice that after you have taken the sample you require the national Government to notify the official of the State in which the shipment originated. The question is why is that? Why don't you inform the official of the State where it is going so that he can protect the consumer against it?

Dr. Crumbine: The reason was that we wanted to inquire into conditions at the point where it originated. It is specific.

Mr. Doolittle: I might add that these are the goods themselves to be taken care of and the object of going back to the State where they came from is to correct the sanitary conditions at the point of manufacture so that the same thing will not happen a second time.

Dr. Crumbine: It says "As soon as the first steps looking to the condemnation of such product have been taken."

Mr. McCabe of Minnesota: It occurs to me that all foods are perishable. I don't see why "perishable" can't stand if the committee wants it there. None of them are eternal.

Dr. Emery: I am in doubt as to the meaning of this

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paragraph but Mr. Doelittle has cleared that up for me. The question is one of jurisdiction and it should be understood that if it is a matter of interstate commerce it is under the federal control. I think that is correct, but if the trouble is at the factory, the place where the food was produced then the State official has control of it.

Dr. Crumbine: Let me further explain. Assuming a perishable food is seized by the federal Government. It is contemplated that such action be taken. But does that cure the defect? It simply takes care of that particular shipment. What we want to do is to make it impossible for other shipments originating from that place to be seized and condemned. But the federal Government cannot reach that.

The Chairman: What do you want to do with this recommendation that has been made?

Mr. Allen: I move it be referred to the Committee.

Seconded and adopted.

The Chairman: The secretary will read paragraph 6.

Dr. Randall: Mr. Doelittle has suggested that this Committee

that if any collaborating State official can place his inspection force at the service of the Secretary of Agriculture to aid in the enforcement of the national food and drugs act, this service be proffered for such use as the occasion may demand."

Mr. Taylor: I would like to make an addition to that. I would say that "U.S. inspectors be employed to take samples which come under their notice and which are in violation of the State laws of the State in which the materials are found, the cost to be paid by the State". We find in Louisiana sometimes the U.S. inspector notifies us of a product which he cannot take himself or which he cannot seize. But he gives us that information for us to take action on. We immediately send our officer to the place where the article was found. But if the U.S. inspector had the power to take that sample for us and appear in court for us afterwards it would help matters very much, I should think.

Mr. Lythgoe: The only way for an inspector to get that power would be for it to be granted to him by the State. The national Government cannot delegate an inspector to take a sample for State purposes only.

Dr. Emery: The U.S. inspector is performing his

duties under the national law. He cannot easily go farther than his jurisdiction under that Act. And that is something we have pretty well cleared up in our minds.

Dr. Caspari: It brings up a very important question in regard to commissioned State officers. The directions now are that you can swear in the inspectors for the purpose of doing federal work. The question comes in whether federal inspectors can be sworn in for the purpose of doing State work. We have taken that matter up and we have not yet come to a conclusion. I will say that there is a Constitutional prohibition as to having anyone but a commissioned State officer do the work. It is especially provided that no officer of the State shall be eligible to hold a position of honor or profit or trust under the U.S. Government while he holds his State position.

Mr. Taylor: Louisiana has a right to appoint auxiliary inspectors without pay. We have not done that so far but we could if the Government would allow us. Another question, the Bureau of Animal Industry has given their local chief the power to appear in

under the national law. He cannot easily be

in the position of a State officer. The

in coming to have really well cleared up in the

mind.

Mr. Taylor: I think up a very interesting question

in regard to commissioned State officers. The divisions

of the State are in the inspectors for the

purpose of doing Federal work. The question comes in

whether Federal inspectors can be sworn in for the

purpose of doing State work. To have them do State

work we have not yet come to a conclusion. I will

say that there is a Constitutional question

about anyone but a commissioned State officer doing

State work. It is especially provided that no other

person shall be allowed to do State work

of profit or trust under the U.S. Government while he

holds his State position.

Mr. Taylor: Indiana has a right to appoint

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has given them the right to do State work

court and help the Louisiana State Board of Health in any court case where he can be of assistance to us.

Mr. Allen of Kentucky: I don't think as a matter of fact that anything of that sort would ever be raised to invalidate the prosecution. It could only be used to invalidate the office or the pay of the officer. Because a man was a State man and went into another case with a federal official would not invalidate his evidence, so really it is immaterial. In the Geological Survey that method has been in effect for years past and the Bureau of Animal Industry has delegated its men to help. So this is only a question that could be raised to get a man out of office, but it wouldn't invalidate his testimony in the slightest because it is immaterial who brings the evidence to the attention of the court just so long as it is brought to the court.

Mr. Flanders: Under your statute your inspector has a right to enter a place and take samples for analysis. Suppose one of those, not duly appointed under the State law, goes into a place and the man says, "No I don't know you; you keep out of here." I think that is the gist of what the gentleman from Louisiana

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wants fixed so that the inspectors, if necessary, can get the samples without trespassing and can go into court with you afterwards..

The Chairman: Anything further on this point?

Mr. D. Little: In that connection the question came up from time to time when I was down here in Washington and we devised this plan--I think it covers all this. Our inspectors, when they are traveling around and find what appears to be a violation of the State law, but where the thing hasn't entered interstate commerce, write out this information on some little blanks we had printed and send it in to the State Food Commissioner. It is impossible, though, for all of our inspectors to be acquainted with all of the different State laws, I don't think any food commissioner would want a man employed by the national Government to go around picking up everything he came across but we thought in this way it would give him the information and if he wanted to take up that line of product just then he could go after it.

Mr. Flanders: Doesn't this cover the ground: "offered for such use as the occasion may demand"? The State official could then qualify him to take

samples; that would cover it all.

Mr. Allen: I move the adoption of that section.

Seconded and adopted.

Dr. Randall: "7. Whereas many of the States which have laws preventing adulteration of drugs or controlling the great evil of drug substitution: Therefore,

We recommend that this association pledge to the food commissioners in States which do not have efficient drug laws its support and assistance in their effort to secure proper drug legislation.

And whereas we believe that concerted action will advance drug control throughout the country and render the sale of fraudulent and fake medicinal preparations increasingly difficult, if not impossible, we recommend further,

That this association pledge to its members the disclosure of confidential information concerning illegal drug and medicinal preparations to State drug control officials and to the Federal authorities."

The Chairman: What do you want to do with that recommendation?

Mr. Allen: I move its adoption.

The Chairman: If there is no objection it will be adopted. The secretary will read the next.

Dr. Randall: "8. Whereas the collaboration of Federal and State chemists has resulted to the mutual advantage of all concerned by bringing about greater efficiency, together with uniformity of methods; and whereas, since the bacteriological and microscopical examination of food and drugs is coming to be of increasingly great importance in the detection of certain forms of adulteration and decomposition, we therefore recommend collaboration between State and federal bacteriologists and microscopists as being desirable for the same reasons that have made such collaboration of chemists both desirable and necessary."

is in shape for this connection.

The Chairman: If there is no objection to that it will be adopted and referred to the Committee. The secretary will read the next paragraph.

Dr. Randall: "9. Whereas in consideration of the vital importance and necessity for cooperation between the national and State food and drug control officials as herein set forth, we unanimously recommend to this association that a permanent standing committee on cooperation be appointed by the president of the association, such committee to consist of five members and its duties to be to endeavor to secure cooperation in the enforcement of the national food and drugs act and the food and drugs acts of the several States, to aid in advancing cooperation between the Federal and State food and drug control officials, and to promote cooperation between the State officials of the several States.

It is further recommended that the terms of office of the members of said committee be respectively one, two, three, four, and five years; that subsequently the term of each shall be for five years; and that the president of this association shall fill any vacancy in said committee, caused by death, resignation, or otherwise, for the unexpired term.

It is further recommended that the Secretary of Agriculture be requested to appoint one or more persons connected with the U.S. Department of Agriculture to meet and act with said committee on cooperation at all its meetings and to represent the said department in the deliberations of said committee.

It is further recommended that said committee be required to report at the annual meetings of this association the results of its efforts to accomplish such cooperation; and that said committee be empowered to take such steps as seem desirable in promoting such cooperation."

The Chairman: That is already acted upon.

Mr. Allen: Leave 10 out.

The Chairman: I think the rest of that report is in shape for this committee. That brings us to the

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conclusion of the Committee's recommendations with reference to cooperation. If there is nothing further on this, the next topic in Dr. Alsberg's letter is on standards, is it not? "Possibility of adopting uniform tentative standards for food and drug products." I think now would be the time to take that up.

Mr. Allen of Kentucky: I rise for a point of information. Do I get it that the rest of the report of the Committee on Cooperation is regarded as the sense of the house, or what?

The Chairman: The understanding was to take up the first nine topics.

Mr. Allen: And take up the rest at some subsequent time?

The Chairman: It is a matter for the Committee to say.

Mr. Allen: Because on page 4 the method of taking samples in my judgment can be amended so as to make it more workable. I have some recommendations I want to make on that.

The Chairman: I intended to say, or that is understood that any member of the convention is at liberty to submit recommendations to the committee.

Dr. Alsberg: If we are going to take up this matter of

standards now, I believe Prof. Ladd here has some very strong views on the subject and I suggest we hear from Prof. Ladd.

The Chairman: A very good idea. Dr. Ladd will submit his views on the subject of standards.

Dr. Ladd: I have always felt that we should have standards, tentative standards. I am speaking now just of my own views on this matter. I do not believe it is desirable to write the standards into any law. That I would not consent to in our own State because I don't believe we could get the best results that way; but on the other hand I think until we have standards which are workable and with proper authority back of them and the means of changing them if necessary, we shall not accomplish what we could do if we had the standards back of us.

I do not know if my plan is feasible but it has seemed to me that first of all the national law must have standards; but in order to have them in the States the States would be responsible. And it seems to me there should first be authority from Congress for the provision of such standards and a standardization

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committee and that authority ought to carry with the other features in connection with the details, such as authorization to the Secretary of Agriculture to promulgate the standards when they have been adopted, and power to recall any one of those standards if necessary and refer it back to the original committee if it was found that it was not in workable shape.

And the thought has come to me, I should prefer to see Congress enact a law that should authorize the appointment of a standards commission. It might be made up of nine members. Some have said they thought there ought to be a great many more than that, but we don't want to get too many in a body of this kind and with one of those men to look after the work with other committees that may cooperate with it. If the Department of Agriculture, the Bureau of Chemistry, should have three of those men, then if the Association of Official Agricultural Chemists were to recommend five more from which three would be selected and the Association of Food and Dairy Commissioners would have three men, I think we would have a workable body. Of course I

am speaking of my view of it and no one else may agree with me, but I think that in that way we would get a standards committee and they would work for the preparation of standards and when they reached a conclusion they would then come before the Dairy and Food Commissioners to be approved and before the Association of Official Agricultural Chemists and again before the proper officials of the Bureau of Chemistry representing the Department of Agriculture, and if they were all agreed upon by these people, to recommend them to the Secretary of Agriculture for his approval. Then they ought to have the force of law and should be accepted everywhere. Having been provided in that way, it seems to me that most of the States would be in shape to adopt those standards. And as a working basis we would have something that was definite and we could work under those, but at the same time the Secretary of Agriculture or some power should have the authority to withdraw any one of those standards if they were found to work a hardship and refer it back to this committee and in the same manner as before have a new standard adopted in its place.

I don't know that my views are correct but I do feel strongly the need of standards. If then we found there was something going wrong we can change it and get a new one at once instead of having to wait ten years to do it. We ought to have something along the lines we have authorizing the food commissioners to fix standards that are not in conflict with the law when such are not already established. When this was once done it would become as effective as the law itself, provided the courts accept them as reasonable standards-- and the courts have always done that so far with us.

I don't know, perhaps somebody may have something else very much better but I have outlined my views with regard to this matter and I am very sure it would be much easier if we could go into court with standards beside us and say they were prepared and accepted by these three organizations. I think they would have practically the force of law and would be accepted and we would not have to meet as much opposition as we do now every time we go to court and meet commercial experts that you can get for \$100 a day, as I have had to do on several occasions, and they have the money and I have not. With this arrangement we would have

very much easier work.

The Chairman: Is there anything further on this subject?

Mr. Allen of Kentucky: May I trespass on the house just a minute? The further I get in work the less use I think we have for a certain class of standards. I believe that those milk standards caused more watering and skimming in Kentucky than all the absence of standards did before. I can prove it. When the Government undertook its whisky branding cases we got away from the standards and we got to the principles that had been violated. Now unquestionably we need standard methods of analysis. On that proposition we are all agreed. I believe the Secretary of Agriculture--I feel without any question in my mind that the Secretary of Agriculture has full power under the federal food and drugs act and other acts to appoint and employ whatever and whomsoever number of experts he pleases for whatever purpose. I am one of those who agreed with Attorney-General Wickersham that the employment of the Referee Board is in harmony with the law. I think the Board of Food and Drug Inspection is one of the necessary outcomes of the law and is in harmony with it. The Secretary

has said these experts are necessary to carry out this law and I will just bring them together for conferences and get the results of their conferences. I wish the Association of Food and Dairy Commissioners and the Department would benefit by the results of considering this question some eight or ten years ago and the recommendation was very much along the line of Dr. Ladd's. There was to be a committee from the Association of Official Agricultural Chemists on food standards and a committee from our association and there was a little friction there but at Hartford we brought those people together and the Secretary of Agriculture appointed them as an advisory committee and the chief of the Bureau of Chemistry was the chairman of it. After the passage of this law he felt he did not have the authority to continue it, but as a matter of fact he can continue it if he wants to and I would suggest that this can be put into effect immediately without the necessity of appealing to Congress.

Dr. Emery: I would like to have Mr. Allen point out the particular statute under which the Secretary of Agriculture has any such authority.

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Mr. Allen: The Secretary of Agriculture is the executive officer of the federal Food and Drugs Act. He is directed by a number of statutes to appoint and employ all of the officers in his department, if necessary, for the purpose of carrying out these laws. Furthermore, there is a general statute which provides that the Secretary of Agriculture may employ through a bureau an individual and then can take that officer from that bureau to his office for any purpose connected with that man's work he may choose, but the point is that these commissions and committees have no final jurisdiction in the matter but they have advisory jurisdiction, and after all what we are getting at is to get some immediate basis through which we can arrive at the facts and then you have something to guide you.

I am very much adverse to adopting certain forms of standards because they become nothing more or less than a standard whereby people adulterate their foods. In the milk work in Kentucky we demonstrated that. I had a case where the butter fat was 4.6 and the solids not fat 8.49. On the other hand we were able to

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show the herd standard of the man's milk. We had another record of a case where a dairyman appealed to us from a certain part of the State and we knew him and he said he had not adulterated his milk with water. I looked at the examiner's record and I said, "Your milk plainly shows it is watered." And he said, "Will not you send your inspector to our herd and take a sample of each of those cows' milk?" We did that and among those recorded were cows that were giving milk containing 2.2 butter fat and 7.4 and 7.8 and the highest solids not fat was 8.15. They were Holsteins and there was not one in the herd above 3.5 butter fat. In that instance there was a wrong charge against that man for watering. His milk was below the standard. If you systematize your milk work you can go back and get the herd tests and show it up. And so I am against standards of that kind but we do need very much the work of having standard methods of analysis and definitions and other information of that kind discussed and I would suggest that the Secretary of Agriculture has the power to call into existence such a committee in an advisory capacity. I doubt very much the possibility of getting

such legislation through the Senate and I am glad now that we did not get it before.

Dr. Haywood of the Bureau of Chemistry: There is a little matter that is interesting to me that I would like to have brought up at this time and that is that our national food and drugs act is not only a food act but it is a national feed act as well and you have in your various States, and administered by these commissioners and feed control commissioners, similar laws. Now if such a committee as this were appointed by Congress it seems to me that not only should the three associations, the Association of Official Agricultural Chemists, this Association and the Department of Agriculture, be represented on such a committee by certain members but that the feed control officials should also be represented, or if they were not it should be specifically understood that that committee was not to make standards for feeds.

I say this because the feed question is quite different from food questions and should be handled by the feed officials rather than by food officials. But if under this law a committee were appointed they

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would necessarily make the standards for everything that came under the law and it seems to me there ought to be a feed man on that committee or the feeds taken out from the action of that committee.

Mr. Flanders: This is a crucial point, gentlemen. I agree with what Dr. Ladd has said about standards except as to one point and that is that these standards thus made will then have the force of law. It is provided in the national law, for instance, that a butter having an excessive amount of moisture shall be deemed to be adulterated butter and the standards have fixed that as 16 per cent. Since the law names the standards in that case it does have it but I cannot see that some standards procured in this way would have the force of law.

Dr. Emery: Did I understand you to say the law says 16 per cent is adulterated?

Mr. Flanders: No. The standards says so and the standards are legal under the law.

Dr. Emery: Did Congress confer upon the Secretary of Agriculture the power even to make that regulation?

Mr. Flanders: I am not quite positive of that. The Constitution of the United States defines just how a law

Under the law and it seems to me there ought to be a feed man or that committee or the feed board.

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Did I understand you to say the law

is not a law?

Mr. Tinkers: No. The standards says so and the

standards are legal under the law.

Dr. Henry: Did Congress confer upon the Secretary of

Agriculture the duty of setting standards?

Yes, it is positive of that. The

act of the United States defines just how a law

shall be made. It must pass both houses of Congress and go to the chief executive for ratification, and it has not conferred anywhere in any other way the power to make a law.

Now I don't want to be understood as taking the ground that I would not be for standards and that they should not be uniform. But I would take those as a guide in reaching the conclusion that it was adulterated. But to say that an excessive amount of moisture was 16 per cent and then to prove that this substance had more than 16 per cent--why, you could rest your case there and the court would have to find that that was a violation of the statute. My understanding is that the court would not say that was the law but they would ask the expert to testify whether in his judgment that was an excessive amount and if the expert agreed then it would tend to bind the court to conclude that way. I have just put this out tentatively for you to consider. I am for standards so that they would be uniform.

Dr. Emery: I think we have before us a very important matter. It involves the purpose of a law and I think it is for the protection of the people of this country

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Now I don't want to be understood as taking the ground that I would not be for standards and that they should not be uniform. But I would take those as a guide in reaching the conclusion that it was really safe. But to say that an excessive amount of moisture was 16 per cent and then to prove that this substance had more than 16 per cent--why, you could rest your case there and the court would have to find that that was a violation of the statute. My understanding is that the court would not say that was the law but they would ask the expert to testify whether in his judgment that was an excessive amount and if the expert agreed then it would tend to bind the court to conclude that way. I have just put this out tentatively for you to consider. I am for standards as far as they will be uniform.

Why? I think we have before us a very important matter. It involves the purpose of a law and I think it is for the protection of the people of this country

against the harmful consequences of adulteration and fraud in the manufacture and sale of food products. That protection has to come through law. Law is the voice of civil action prescribed by the sovereign power of the State and as for these standards, if we have them, they will have to come through the authority of Congress, and for State standards they will have to come through the State legislatures. We are first discussing whether we need any such thing. That is the first thing under consideration. We in Wisconsin manufacture a great deal of butter. There was one man there who had a sort of a lever, by which he managed to press the water out of the butter and he had a great many forms. Being acquainted with him, I said, "Will you please tell me what all these forms are for?" He was a very candid man and he said, "Now, I want to tell you--those are something to talk about." And, gentlemen, if food laws are simply something to talk about we had better be rid of them and all of the officials of the country who are now enforcing them, if that is all it means to them. There is a more serious problem

because there is a fundamental need of enforcement of the laws to drive out from these markets the frauds that are prevalent, still are prevalent after all these years of food laws. To do that we need instruments. All of you who have had experience in the matter know that when we come into court there is no standard in each case we have to build up what is a reasonable standard and Dr. Ladd has referred to the conditions surrounding that work, and I undertake to say here when those gentlemen who are adulterating our foods today want testimony of any kind in court to sustain their case they can get the testimony they want and every gentleman here knows that is the case. That condition of affairs is not in the interest of the people of this country. That is a weakness. That is a debasement of power. That is "talking about something". That is a pretence. If the adulterators of foods are driven out, it is my judgment after eleven years of work in it, there has to be some power and some work to bring that happy condition about.

I say "reasonable standards", and I think reasonable

standards are among the very essential things required for effective food laws and their enforcement. But those standards have to be reasonable. We are going on that doctrine throughout the entire country today. Everywhere the courts are requiring regulations to be reasonable, and what does that mean? It means all the facts of a case must be considered; then when they have been considered and you have arrived at a conclusion and made your regulation there is a reasonable regulation.

Now I draw a little from my experience in the matter of what we have in Wisconsin. We have civil tax commissions and railroad commissions but there are some people who want to put those commissions out of business. But they are going along doing their work and they are taking these things into consideration, the rights of the corporation as well as of the people and they are making reasonable regulations.

And this law was framed in this fashion: That certain things are absolutely prohibited in a general way; and if they are adulterated they are in violation of the law. And certain things are absolutely required,--as that

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the food sold shall be pure and unadulterated.

Then these tax commissions and these railroad commissions are given power to make regulations, reasonable regulations, and they are given power to cite people before them. They can make certain definite requirements. They are given great power. What about the constitutionality of that?

You know you cannot go into court under the food laws today without being drawn into a discussion of that. They claim your law is unconstitutional. You have heard that hundreds of times. Why, the Supreme Court has said that the Constitution of the United States does not protect any man in practicing fraud upon his fellow man and yet the Constitution is held up when you try to protect these people from that very thing. Now no man can go into court for violation of the regulations of these commissions unless it appears that the regulations of the commission are reasonable. And if the regulations are sustained it cannot be contested in any court in Wisconsin.

Now I want to say another thing that I think in Wisconsin there will be no reason to put the dairy

and food work along similar lines.

Now when the Congress of the United States has empowered a certain body to do certain things and those things have been unreasonable, as the basis on which the law is operated, that is unconstitutional but if those things are reasonable that is constitutional and it stands the test of the Supreme Court of the United States and they have been sustained by the courts. That is not conferring legislative power. That does not make an unconstitutional law.

Now if I understand Mr. Taft correctly, he wanted to provide first for the authority of Congress for the appointment of men who shall investigate the conditions (that is reasonable), men who shall take into consideration all of these things and then say what constitutes this standard. And in going into these various products, let it be submitted to consideration and notice before the different bodies they represent before it is agreed upon for final action and then after this had been done and the Secretary of Agriculture is satisfied that is reasonable, he may proclaim those, under the Act of Congress which confers upon him that

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power, as the standards that shall be accepted in court as the standards under the law and I have no more question of the constitutionality of such a procedure than I have of my own existence and that I am here talking to you now and I believe that some such procedure as that should be adopted.

Mr. Allen of Kentucky: Would you write into a standard that vinegar shall contain certain solids or that pure milk shall contain so much fat and solids?

Mr. Emery: I might have my own ideas about that and everybody else might have different ideas about it and for that reason I would like a set of competent men to investigate that thoroughly and determine what constitutes a proper standard for that product.

Personally, I would have a standard, but I am not an expert in the matter of vinegar or milk. I expect the chemists in my laboratory to know about vinegar and to know about milk. I expect to rely upon them and I do not set myself up or my views on that matter as the law of the land. We have standards written into our law, but there are objections to that and it showed up

early. But we accepted it in good faith and wrote it into the law. But I think it would be a great step forward, and I think Wisconsin will take that stand, to have a set of men given the power to make regulations for the enforcement of the dairy laws of that State, similar to the tax commission, and then after all the facts have been taken into consideration and then the constitutionality of those rules and regulations cannot be set up until they are submitted to the court and shown that they are reasonable. I would like to have a standards committee that would proceed in something of the same order and to act in a like capacity in regard to feeds.

I don't know that any better suggestion can be made than those made by Dr. Ladd, but in Wisconsin, Mr. Allen, we would not part with our law for anything except we had some standards. It is my experience that that is the way we have driven water out of milk and kept the cream on the milk. That standard has been of advantage to us, Mr. Allen. And today it will be a rare thing to find watered milk in Wisconsin. I don't say you can't find some water in some milk somewhere but you will

lock a long ways before you will find any watered milk or skimmed milk.

And as to the Secretary of Agriculture now having the power or any authority to make these standards-- it is not correct that he has. My attention was called not long ago to an interview with Secretary Houston (and I want to say my heart warmed to the man) in which he said that he was really powerless today because he had not that power. He can go into court and talk about the law. But we must not lose sight of the fact that it is not an act of Providence, that it has defects and the people of this country will never be really protected until we remedy those defects and I think we should address ourselves to the correction of those defects without delay. And Secretary Houston has said that he wants Congress to confer upon him some power by which he can have standards and modify this national law in some way so as to remedy its many, many defects. God strengthen his arm. He is on the right track. That is the thing to be done, and along with the rest I hope some sort of provision will be made for establishing standards for foods.

Mr. Flanders: I don't want to be understood as saying anything standards. I simply want to call attention to what standards are capable of doing. Cooley is considered a good authority and he states it as I laid it down a few moments ago, that the power to legislate is conferred by the Constitution of the United States upon the Congress.

Dr. Emery: I contend that that thing has been decided by the Courts and the decisions are abundant in sustaining the theory that standards can be made and regulations in this way. I haven't them here but I can cite them to you.

Mr. Flanders: That is exactly what I do want to know. And the gentleman from Kentucky cited one case.

Mr. Emery: I will cite you some.

Mr. Flanders: I remember in a milk case and an ice-cream case, the district attorney was asked this question: "Do you want me to read something into the law? I refuse to do it. This is simply a standard created by this Board."

Mr. Allen of Kentucky: Did not the U.S. Court of Appeals of Ohio in the Scoville cream case sustain that? Judge Lurton held that the standard adopted by the

Secretary of the Treasury was to be considered as binding in the enforcement of the Internal Revenue Acts referring to butter, and has that been set aside?

Mr. Flanders: I would prefer that the gentleman from Kentucky would not question me upon that. He is familiar with that case and I don't seem to be.

Mr. Allen of Kentucky: Well, that is the status of that case, and the New York tea case.

Mr. Flanders: Here is a question I would like to raise. I would like to know whether the expert testimony was to the effect that there was an excessive amount of moisture. I would say this: That I wish the conditions might be such that such a standard when reasonable would have the force of law, but I have been confronted with the other side of it and I don't believe it is law. I would be glad to receive references to cases that would show the other thing. I would say this: That in Dr. Emery's own State they passed a law which has been since declared unconstitutional and--

Dr. Emery: Nothing of the kind. You are not informed.

Flanders: I have not said that Dr. Emery admitted
 the report of the case that came to me said that the
 law went too far and the Court set the case aside. The
 court has the last say after all, you know. We can talk
 about it all we like, but the court decides. Its like
 the old lawyer said years ago. He said, "I can give a
 guess as to what it will be but the difficulty is that
 the court has the last guess." And the Supreme Court
 passed on your law and said it was unconstitutional.
 I did not intend to say anything about this but I do
 assert that the law was declared unconstitutional
 by the Supreme Court and I know the principle involved
 in it. But what I want to say is don't let us delude
 ourselves into thinking that once having gotten standards
 they will have the force of law. In my judgment that
 feature of it is an error and I wanted to call your
 attention to that fact. That was my only point.

We are all working toward the same end. I have
 been working toward this end for thirty years and I
 have been thrown down several times. But I got up
 I drew a bill in New York and

that I will accept, however, that

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we passed it. It prohibited the use of preservatives in butter, except salt, and we brought a case under that law and the court said it was unconstitutional. We appealed it and that court said it was unconstitutional. They said this: "It is a laudatory thing to preserve foods and a law that says you shall not use preservatives in foods is not a constitutional law. Had you confined your prohibition to harmful or deleterious preservatives it would have been another proposition." I might say it was constitutional and I might think it was constitutional but the difficulty there is that the court of last resort says it is not and I am wiped out.

Mr. Emery: In regard to this 16 per cent of moisture-- that is a part of the oleomargarine law enacted by Congress. It also has some provisions about adulterated butter. And along with other things that would make butter adulterated under that Act was treatment by any process with the intent or with the effect of causing it to take on too much water. That is the law. And a commission appointed with the approval of the Secretary

of the Treasury was given authority to make regulations for the enforcement of that law. They did not give him the power to fix a standard. But when they went into court with absolute information that that butter contained an abnormal amount of water it is for the jury to determine whether that was added or not. But that is another question. That is absolutely different.

Now this question of the Wisconsin law has been brought before this convention. It was not my purpose to bring it up. But if we are going to be afraid of what the courts will do to us every time we want to do something to protect the people, where are we going to get? I tell you we ought to go ahead. But there has been a lot of misrepresentation, deliberate misrepresentation, in regard to the McDermott & Grady case. We had a law copied from the national law, and nobody has complained about the national law being unconstitutional. But we required that glucose when mixed with a sirup should be labeled and branded in a certain way and the selling of that or the offering of it or exposing it for sale or having it in possession

with the intent to sell was made a misdemeanor. It said no other designation of brand or a saccharine substance other than the one provided in that labeling should be lawful as a label. And it was that particular thing which caused the United States Supreme Court to say that Wisconsin has extended its authority. And in doing that there has been flooded all over this country false accounts of it, probably used as an advertisement for the effect it will create in the minds of many people. That was the ruling of that court in that case. They held that the labeling under the national law provided in Sections 6 and 7 applied to the individual containers designed to go to the consumers. That was Dr. Wiley's contention, too,--but in that he was overruled by the late authority over him. The authorities have proceeded against exactly the form in which all interstate commerce transactions have occurred but the court said that as a means of obtaining evidence for the rights of the shipper as well as for other reasons, he had a right to have that label remain on that individual can. The question was asked, "How long would it stay?" They said it would

stay on the original package as long as those articles remained unloaded, unsold or remaining in the original unbroken package, and interpreting the meaning of that, they said: "at least until it reached the shelves of the retailer." And the State may not remove those labels. And if the State causes a removal of those labels they held that is an interference with the national law. That is 225 U.S. Fed. And I think that is a wise decision but I don't think that the Wisconsin legislature went too far in doing what it could in endeavoring to protect its citizens from fraud and misrepresentation.

What are the courts for? Is it for the man who is doing things wrong to say "Don't you do this, there is a court ahead of you that will sustain us." Are we cowards? Let us go to the courts. Let us see whether they will sustain us or the other fellows. Are we going to be slaves? Let us fight for our rights and not be deterred by the powers of evil.

Mr. Brown of Tennessee: Mr. Chairman, we have heard some very interesting statements in regard to the constitutionality of laws and I personally have enjoyed hearing

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And if the State causes a removal of those labels they held that is an interference with the national law. That is 225 U.S. 202. And I think that is a wise decision but I don't think that the Wisconsin legislature went too far in doing what it could in endeavoring to protect its citizens from fraud and misrepresentation. What are the courts for? Is it for the man who is doing things wrong to say "Don't you do this, there is a court ahead of you that will sustain us." Are we cowards? Let us go to the courts. Let us see whether they will sustain us or the other fellows. Are we going to be slaves? Let us fight for our rights and not be deterred by the powers of evil.

Mr. Brown of Tennessee: Mr. Chairman, we have heard

them, but we haven't gotten very far on this question of the standards proposition, it seems to me. I am somewhat like Dr. Emery. I am willing to try things out and let the courts do the deciding. They are going to do it anyhow so we are just where we started. I would like to ask Dr. Emery, though, whether this commission proposed to draft standards (I was not in the room when Dr. Ladd made most of his speech), in his opinion is going to be empowered with sufficient flexibility to answer the purpose? In other words, would it impede or aid progress in that way? What do you think about it, Dr. Emery?

Dr. Emery: I think it depends on the act of Congress and it is a very different thing to pass a resolution enabling a committee to formulate standards for getting a law through Congress because the fellows all over the country who manufacture some of the foods we want to prosecute are right there every minute and some of them are just about as strong as you are and maybe a little stronger. But it is within the power of Congress to provide for a commission of that kind that will have

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we provide for a commission of that kind that will

the proper flexibility to make the thing a success. But it will depend on how many jokers are in the bill as it passes Congress.

Mr. Brown: The plan is to make this a permanent commission. This is to be a permanent commission, is it not?

Mr. Allen of Kentucky: I want to add one word to make my point clear in the record. On the whole, I agree with Mr. Flanders of New York in his position that no commission can write a standard which will be absolute law. That is the difference of opinion between the gentleman from Wisconsin and the gentleman from New York.

Dr. Emery: Not at all. The Courts have held again and again that there are certain things that can be prescribed by Congress, and there is not a secretary in this department who does not operate upon some of those things.

Mr. Allen: My position is that it is impossible to legislate standards by a commission, and if the standards are nothing but rules of evidence you can take those into court in two ways. Either because

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with Mr. Wiseman of New York in his position that no
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law. That is the difference of opinion between the
gentleman from Wisconsin and the gentleman from New York.
Dr. Thayer, for all that, the Court may still
again say again that there are certain things that can
be prescribed by Congress, and there is not a necessity
in this department and does not require legislation
of these things.

Mr. Allen: My position is that it is impossible
to legislate standards by a commission, and if the
standards are nothing but rules of evidence you can
put those into court in two ways. Either because

Congress tells you you can or because they are the most reliable scientific opinion of the country-- which you can do today without authority of Congress. It is true I think an endorsement by a commission would give them a little more weight, but you can take them into court the other way, too. This law is plain to my mind. The law says that the Secretary of Agriculture, the Secretary of the Treasury and the Secretary of Commerce and Labor shall do what? Shall make uniform rules and regulations for carrying out the provisions of this Act. That applies to all features of it incident to the carrying out of the provisions of the Food and Drugs Act, and certainly standards would be a necessary ruling in carrying out those provisions. But further it says: "Including the collection of samples and their examination". Now, you cannot examine samples without standards, without standard methods of analysis. You cannot determine that the strength and purity of an article has deteriorated unless there is a rule to guide the analysts as to what the pure article should be. And therefore my own way and it is going to take some time for Congress

most reliable scientific opinion of the country -
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Further it says: "Instituting the collection of
samples and their examination". Now, you cannot

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point is that these rules of evidence could be begun to be gotten together today, provided we have the money to do it. And I believe that the law really confers upon the three Secretaries the power to make all the regulations that are necessary to determine whether or not foods are adulterated.

The Chairman: Gentlemen, what is your pleasure?

Dr. Alsberg: I know I am no lawyer but I do know that the law we have to operate under leaves us impotent to do what we would like to do almost every day, and that is true because we have not fixed standards, legal standards.

We have had the question of the power of the Department to fix standards up before the attorneys of the Department, before the Department of Justice and the Attorney-General, and it seemed to be their opinion that some authority from Congress was necessary. The question of the form that this authority should take was not raised and as a layman I cannot see the particular purpose of raising that issue very much. The only thing is for Congress to do this thing in its own way and it is going to take some time for Congress

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 particular purpose of raising that issue very much.
 The only thing is let Congress do its thing in its
 own way and it is going to take some time for Congress

to take any steps in this matter.

There is a particular point I would like to see discussed here. I think we are all agreed that it needs the authority of Congress. I think we cannot do all the things we think ought to be done for the protection of the people. I have said that repeatedly and on every possible occasion because I do not think it can be said too often. The standards are one thing we need, but I had hoped some light might be given on this proposition:-- Suppose we all get together and said for our own purposes we will settle on certain standards. It is agreed they have no value in court except the value that any expert testimony would have. Now if we all agreed on some standards and we all worked on those standards, could we not accomplish something by creating a lot of questioning in the trade and would it not be some evidence with which we could go into court and which would be of value?

If we are going to wait until Congress establishes standards we may be right where we are now for ten years to come. I don't think there is any possibility

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If we are going to wait until Congress establishes

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years to come. I don't think there is any possibility

of telling when Congress will enact standards. I certainly see no immediate prospect of them. But can we not devise a makeshift we can use for ourselves until the time comes when they give us standards? After all, we represent here a force that can influence public opinion, trade practices, and manufacturing methods. If we could all get together and form rules of action for ourselves, I think we could pave the way for something better and probably hasten action in Congress. That may be a visionary idea, but I wanted to tell you what I had in mind.

I would like to see standards enacted tomorrow-- but I see no prospect of it. But can't we get something ourselves which will be of help?

Mr. Doolittle: What would you do with what we have-- Circular 19?

Dr. Alsberg: My idea is that Circular 19 is a pretty good standard, so far as it goes. My idea would be to supplement that with some more standards.

Mr. Doolittle: Personally I think some of them are very poor.

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 be to supplement that with some more standards.
 Mr. Doellinger: Personally I think some of them
 are very poor.

Dr. Alsberg: I don't see but what we might help matters in that line by agreeing to disregard those. Circular 19 is not law. It has, however, some weight in court. Can't we establish something, supplementing or modifying Circular 19 which will be of weight in court by virtue of the fact that every food and drug commissioner in the United States is willing to use it and does use it? That would mean something to the courts. What everybody accepts on a subject means a great deal. It would not have the force of law if it were not law. But couldn't we take some action of that kind? That was the reason for putting into the title of this topic for discussion the word "tentative". I don't know whether this is advisable or not but I would like to hear some discussion on it.

Mr. Allen: I move the scientific section of this Association be instructed to appoint a committee of three with a request for a similar committee from the Association of Official Agricultural Chemists, which meets in this city next week, and a request for a similar committee from the Bureau of Chemistry for the purpose

... ..

matters in that line by referring to discharging them.

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of recommending a plan to bring to life and carry on the food standard work.

Mr. Jackson of Idaho: I second that motion, and I would like to bring up a second phase of the standards question which has appealed to me a good deal.

There have been times when I have wished there were no standards on a certain matter. That is because standards are always minimum standards. And when you have a standard like that you can always adulterate a high grade product down to that minimum standard and then if you know that and try to prove it is adulterated the other side will pop up and point out that it is equal to or slightly above the standard and it is pretty hard to convince a lay jury that that is not a pure article.

That is particularly true in the case of adulterated milk. Any man with a good herd can easily skim his milk to the standard for butter fat and then present to the court the fact that it is up to the standard. You may introduce any kind of evidence you please to show that milk has been skimmed but it is strong to the

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That is particularly true in the case of adulterated

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milk to the standard for butter fat and then present

to the court the fact that it is up to the standard.

You may imagine my kind of evidence and please to

show that milk has been adulterated but it is hard to

jury that it is up to the standard. And in that particular case the standard is a detriment.

Again, when we have a standard for an article, what is going to hinder a man from putting on his label "7/8 standard strength"? I know recently that very thing has come to my attention where we have had evaporated milk below standard, below the standard in Food Inspection Decision 131 for fat and fat plus total solids. They made it clear that they had stated upon the label the percentage of fat and total solids, which they had done true enough, and it slightly exceeded the statements on the label. Nevertheless that label didn't convey the proper information to the purchaser. But it is difficult to get that man into court and prosecute for not having put out a standard article. The only thing you can say about it is that it doesn't come up to standard. It is a weak case and there is no use in taking a weak case into court.

Prof Patrick: With regard to the second illustration I must differ with the last speaker. If it says "7/8 standard" in plain print that is all you can

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Prof. Patrick: With regard to the second illustration

I must differ with the last speaker. If it says

"V/8 standard" in plain print that is all you can

demand of the manufacture. That is upholding your standard. He is telling the truth. I think that is a most excellent custom and it would be a good thing to require just that on sub-standard goods. It is the truth and it recognizes this standard as something higher than the goods in that can.

Mr. Jackson: My idea is that the standard is for the purpose of protecting the people. I should have said (I thought I had) that when products are labeled in that way that it does not insure to the purchaser, whom we are trying to protect, something definite. I have learned by talking to people from time to time that the ordinary purchaser does not know what standard evaporated milk means. He does not realize what the difference is there and I have had many people say to me they desired to be able to go into a store and know that what they were getting was standard, that they could not be concerned with percentages. The public does not read labels anyway, and they want protection. They want standard goods. All of these questions of percentages confuse people. They say

"We know nothing about what the requirements are, what the exact percentages should be in there". Although if they had to state "Half standard" that would be some better. The ordinary purchaser hasn't the time or the knowledge to choose his foods intelligently and they say so.

Dr. Ladd: I want to differ very decidedly on this question of $\frac{3}{4}$ standard. Our law in North Dakota is such as to put a stop to it. We used to have "Vanilla extract one-half standard". I maintain it is not vanilla extract at all. We don't allow that under our law. So they began to put out ammonia for household use 10 per cent and we actually came across some that was 0.64 per cent. But they can't do that sort of thing now.

I agree with Dr. Alsborg that it is going to be some time before Congress will act on this matter and that we should take steps to have committees to work on standards. But we should also, it seems to me, take steps to try to induce congress to enact a law and if this body here today would take such steps I believe that inside of sixty days the American people in America would lend their

influence in that direction but unless we lead we cannot expect them to go ahead with it. We can bring the force of public sentiment behind our action but we should not wait for Congress to act. We should begin something ourselves.

Mr. Allen of Kentucky: I wish to offer an amendment to my motion and that is that this body of Federal and State Food and Dairy Commissioners request its executive committee to select from its scientific section three members and that that body request the Association of Official Agricultural Chemists, which meets in this city next week, to select three members from its organization and the Secretary of Agriculture to select three members of the Department of Agriculture to take up at once the question of formulating standards for immediate use pending action by the federal Congress.

Seconded and adopted.

The Chairman: The executive committee is called for a meeting at the conclusion of tomorrow's session.

Dr. Caspari: I would like to ask Dr. Ladd a question. Did I understand you to say that in North Dakota you prosecute for selling ammonia of not over 10 per cent strength?

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Dr. Ladd: Yes, on the ground that the only ammonia is the U.S.P. ammonia and there is no such thing as "household ammonia" under our law.

Dr. Caspari: That is defined in the State law?

Dr. Ladd: Yes.

Dr. Caspari: I can't see how you require "Household Ammonia" to be the ammonia of the U.S.P. because household ammonia is not recognized anywhere.

Dr. Ladd: Our courts have sustained us in that.

Dr. Caspari: I would have to let that go in Maryland.

The Chairman: The motion by Mr. Allen disposes of the matter of standards. And the third one is just as important as either of the other two topics that we have already discussed and it will come up at tomorrow's session directly after the report of the committee on cooperation. What is the further pleasure of this body?

Mr. Allen: I move we adjourn.

Seconded and adopted.

The Chairman: Until what time, Mr. Allen?

Mr. Allen: Nine o'clock in the morning.

ADJOURNED at 5:10 Nov. 14th to
meet at 9 A.M. Nov. 15, 1913.

Dr. Ladd: Yes, on the ground that the only ammonia

in the U.S.P. ammonia and there is no such thing as

"household ammonia" under our law.

Dr. Casper: What is defined in the State law?

Dr. Ladd: Yes.

Dr. Casper: I don't see how you require "household

ammonia" to be the ammonia of the U.S.P. because

Dr. Ladd: Our courts have sustained us in that.

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The Chairman: The motion by Mr. Allen disposes

of the matter of standards. And the third one is just

as reported as being of the other two topics that we

will discuss tomorrow and it will be of a similar

character.

Question: What is the further pleasure of this body?

Dr. Ladd: I have no further.

Dr. Casper: I have no further.

Allen: Nine o'clock in the morning.

THE CONVENTION RECONVENED AT 10 A. M. SATURDAY
MORNING, NOVEMBER 15, 1913, MR. WALLIS of Idaho presiding.

The Chairman: I would like to state, Gentlemen of the Convention, that the Committee on Cooperation is not quite ready to report. They expect to be here in forty minutes at the most and before they report, the Convention may profitably go ahead with one or two other matters that are to be presented this morning.

It is the desire of several of the commissioners to continue until one o'clock and then adjourn sine die rather than to come back this afternoon for an afternoon session. That, however, is a matter that can be brought up in the form of a motion rather than by my arbitrarily deciding it for you.

There are one or two motions that will be introduced this morning and any gentlemen that have them in hand may now present them before we take up the third topic of the letter Dr. Alsberg sent out.

Dr. Ladd: I feel that yesterday we did not go into

1. The first part of the report is devoted to a general description of the project and its objectives.

2. The second part of the report describes the methodology used in the study.

3. The third part of the report presents the results of the study.

4. The fourth part of the report discusses the conclusions of the study.

5. The fifth part of the report contains the references.

6. The sixth part of the report contains the appendix.

7. The seventh part of the report contains the summary.

8. The eighth part of the report contains the conclusion.

9. The ninth part of the report contains the final remarks.

10. The tenth part of the report contains the final conclusions.

11. The eleventh part of the report contains the final remarks.

12. The twelfth part of the report contains the final conclusions.

this matter of standards quite as far as we should. We were all right as far as we went but we said nothing with regard to memorializing Congress or doing anything that would give our influence in that direction. The commissioners know that at Mobile such a resolution was passed for the purpose of memorializing Congress to authorize the Secretary of Agriculture to prepare standards and to do work of this kind. Then it seems to me the Convention should also lend its influence in the same way by taking steps to memorialize Congress and the President to make such legislation as is necessary, I believe if this Convention goes on record in favor of memorializing the President and Congress in this matter it would have more influence than any other organization or body in the United States when it says, "The Commissioners here assembled", as well as at their meeting in Mobile last summer, have taken steps to put themselves behind such an effort; showing the need of it in that way it will go a long way in securing the support of the President and Congress. Therefore, to get the matter before the house I move that this Convention appoint a committee to memorialize the President and Congress for the enactment of such law as is necessary to enable the Secretary of

Agriculture to take up the work of the establishment of standards.

Mr Flanders of New York seconded the motion.

The Chairman: The motion is, as stated by Dr. Ladd, that a committee be appointed to memorialize Congress. Are you ready for the question or do you wish to discuss it?

Motion put and adopted.

Dr. Ladd: And I intended to convey the impression that the committee will be appointed by the Chairman.

Mr. Winkler: I have a bill here that was introduced into Congress in 1908 relating to labeling the guaranty under the pure food and drugs act. I will read it to you:

60th Congress
1st Session

S. 3043

In the Senate of the United States
January 7, 1908.

Mr. Heyburn introduced the following bill; which was read twice and referred to the Committee on Manufactures.

A BILL

To prevent fraudulent representations as to Government guaranties of foods & medicines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it shall be unlawful for any person, association of persons, or corporation to place any mark, sign, or insignia

THE 1900-1901 SEASON

AND THE 1901-1902 SEASON

IN THE NORTH

AND THE 1902-1903 SEASON

IN THE SOUTH

AND THE 1903-1904 SEASON

IN THE WEST

AND THE 1904-1905 SEASON

IN THE NORTH

AND THE 1905-1906 SEASON

upon any package, label, covering, or wrapping of any article of food or medicine stating in words or effect that the contents of such package are guaranteed under the pure food and drug Act of June thirtieth, nineteen hundred and six, or are guaranteed or recommended in any manner by the Government of the United States.

SEC. 2. That any person violating any of the provisions of this Act shall be fined not more than one thousand dollars, or imprisoned for not more than one year, or both, at the discretion of the court.

That has been talked over quite a lot, that such labeling should not be allowed and I therefore make a motion that we recommend that a similar bill be enacted by Congress and that a committee of three be appointed by the Chair to have this work perfected.

Mr. Mickle of Oregon seconded the motion.

The motion was put and carried.

The Chairman: I really should have asked for discussion first, but it is all right to discuss it as any way.

Mr. Mickle: I am very strongly in favor of it, but I think it is better to have it discussed further than only agree to. I think it is possible that

they can take the matter up with the Department, with the three Secretaries, and perhaps some action could be taken before Congress acted in order to secure the discontinuance of the use of that legend, which we are all agreed on ought never to have been permitted in the first place.

The Chairman: Just make a motion, Mr. Doolittle.

Mr. Doolittle: Oh, I think the committee understands they have the full matter in charge and that is all that is necessary.

The Chairman: I think the committee understands, then, is to understand they have power to go to the Secretaries here and to use all the influence they can with any one to bring about this decision we all wish to obtain.

Dr. Emery: I think the food officials have all come to the conclusion that the guarantee is not angelic or let down from Heaven and they want to correct these defects.

The Chairman: I believe there is still another resolution to be offered.

Mr. Emery: Those of us in the State Departments, apart from the State Boards of Health, have found out perhaps that if we wish to issue a guarantee we are not permitted to do this and that is not as correct as

motion, inasmuch as the U. S. postal rules and regulations allow the bulletins of the State boards of health and institutions of learning to go as second class matter, and I move that a committee of three be appointed to wait upon the Postmaster General and ask that the present rules and regulations be so amended as to include the publications of the several State stations. I have written out a resolution to that effect, which reads as follows:

"Inasmuch as the United States postal rules and regulations at present in force allow bulletins and other regular publications of State boards of health, State boards of charities and corrections and institutions of learning supported by State taxation to be entered in the mails as second class matter, but excludes such publication when issued by our State food, dairy and drug departments where these are separate from the above mentioned institutions;

Therefore: I move that a committee of three be appointed by the president of the National Association of State Food, Dairy and Drug Officials to wait upon the Postmaster General and ask that the present rules and regulations governing the admission of publications to the second class of mail matter be so amended as to

include publications of separate State food, dairy and drug departments."

Mr. Jackson seconded the motion.

The Chairman: You have heard the motion. Are there any remarks?

Mr. Frary: I think it only fair to state that the present regulations were made long prior to the time we had these departments. I think they would have been included otherwise because the State boards of health are mentioned specifically and I think if this matter is called to the attention of the Postmaster General there will be no difficulty about it.

Dr. Woodward: I would like to offer a suggestion in this connection, if I may be permitted to do so. You may be embarrassed by this particular wording of the second class mail law but I want to say that it is possible to install institutions of learning in connection with the State department and thus get the bulletins in as second class mail matter. The law does not apply to municipal boards of health but it is entirely feasible to install an institution of learning, a school for instruction in public health and let the school issue the publications. In that way the health

Mr. E. H. ... I think it only fair to state that the

we had these gaps. I think they would have been

filled out otherwise because the State boards of health

are mentioned specifically and I think it this matter

there will be no difficulty about it.

Dr. ... I would like to offer a suggestion

in this connection, if I may be permitted to do so.

You may be embarrassed by this particular wording of

the second class bill but I want to say that it is

as in the second class bill matter. The law

is to municipal boards of health but it

is to be in the line of health of learning.

department does not issue the bulletins but the school does it. I am sure the post office officials have no desire to impose any hardship on food control officials, and I think if you could get these bulletins through under cover of a school of learning, which would be very easy to do, there are a large number of gentlemen we are acquainted with will get free mail under that term.

The Chairman: Is there any other miscellaneous business we want to bring before the Congress? What about taking some action on adjournment?

Mr. Frary: My motion has not been put through.

The Chairman: Excuse me. (The motion was put and adopted).

Now how about Mr. Emery's motion to adjourn at 1 o'clock sine die?

Mr. Jackson seconded the motion.

The Chairman: Do you want to discuss it, Gentlemen, before we put it? (Motion put and unanimously adopted).

Is there anything further before we take up the third topic of our work? The third topic is as follows:

"Features of the national and State laws which are now at variance and changes which will harmonize them so as to produce the most satisfactory results."

Now this is open for discussion by anyone who desires to speak on it.

Mr. Sullivan: I think it ought to be made a matter of record how many States have laws which are uniform with the national laws and whether the national law is satisfactory and whether an amendment should be made.

The Chairman: There has been a kind of a digest or circular, I know that I got one, that answers that question. I don't know whether all of you people received one like it or not--probably you did.

Mr. Emery: I would very much like to know if there is any one State represented in this room that has a food law in exact harmony with the national law.

The Chairman: Is there a State represented here that has a law exactly like the national law? There does not seem to be one, Mr. Emery.

Mr. Flanders: There has been a question put to me a good many times that I do not know how to answer and I want to put it up to this convention. The State laws are different, but the principles applying to the two are the same. The ones applying to interstate commerce would not be the same as those applying to commerce within the State and so in that way the State laws are not in harmony with the national law except in one point

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of record how many States have laws which are uniform with the national laws and whether the national law is satisfactory and whether an amendment should be made. The Chairman: There has been a kind of a digest or circular. I know that I got one, that answers that question. I don't know whether all of you people received one like it or not--probably you did.

Mr. Emery: I would very much like to know if there is any one State represented in this room that has a good law in exact harmony with the national law.

The Chairman: Is there a State represented here that has a law exactly like the national law? There does not seem to be one, Mr. Emery.

Mr. Wickers: There has been a question put to me a good many times that I do not know how to answer and I want to put it up to this convention. The State laws are different, but the principles applying to the two are the same. The ones applying to interstate commerce would not be the same as those applying to commerce within the State and so in that way the State laws are only with the national law except in one point.

and I want to raise that here for discussion. In our State law--and it was passed in 1903 and of course that was prior to the passage of the national law but it was copied from it because it was taken from the bill then pending before Congress; we drafted a bill based on those then pending and in it we had this: I can't tell you the exact wording, but it provides against selling adulterated food products and defines adulterated food products and then makes exceptions. It says "Provided, however, that this shall not apply to food products containing no harmful or deleterious ingredients" and names certain exceptions. It does not prevent the sale of these things if they are so labeled as to show they are compounds, mixtures, imitations, or blends, provided they are labeled with the constituents. That was the way it was in the bill before Congress but I understand there was a compromise so that the national bill now reads "Provided they are labeled to show they are compounds, mixtures, imitations or blends", not requiring the ingredients to be named. But now our State law does call for the naming of the ingredients.

Now there are many who want to have the two laws

just alike, but should we amend the State law by leaving out that requirement we now have or amend the national law by requiring the ingredients to be put in?

Mr. Emery: What do you say to that?

Mr. Flanders: I have been working under this law and I have been taking the attitude that the man who consumes the material to build up his own system is entitled to know what goes into his stomach. I am aware that the manufacturers say it is a secret and they do not want to name the constituents on a label so that anybody can tell of what their goods are composed. We are all familiar with that argument, of course. But I have reached a stand which may be wrong or not, I don't know, but I think that when it comes to a question between commerce and sustenance to the human family, commerce should step to one side. I think the man who eats the food to build up his system should have a right to judge what is affecting him, and if that doctrine is true then it seems to me our State law is right. It is true that in the original national bill they had that very provision but it was modified and changed in going through and I was informed that it was a matter

of compromise. It reminds me of a story of the colored brother who owned a mule. He said, "I was going down the street the other day and I saw a \$15 pair of boots and I thought I would take them. The Lord said 'Don't' and the devil said 'Do', and so I compromised and stole another pair they had there worth only \$7.50." But it seems to me the compromise was against the right principle. I think every one should have a right to know what he is eating.

Mr. Bailey: I am very glad to hear the attitude of Mr. Baileys and I only regret that there were so many other compromises made in that case too, and, Gentlemen, I am a believer in the doctrine of cause and effect. For all of the compromises there were some causes and when those causes were left the American people were disappointed. And that is the cause of a question that is contained in the Four Year of this country; the doctrine of cause and effect is laid down in 2nd Federal Reserve Act. There are some things the States cannot do and some things the Federal Law cannot do. In all matters relating to interstate commerce the Federal Government has a superior power. It is supreme and the States must yield but there

was a doctrine proclaimed that Congress having acted upon the subject of foods in interstate commerce then the States control them within their own borders. I say that in those places in this national food law Congress occupied only a limited field. For instance, Congress has not provided for the labeling of articles like these mixtures with their constituents and inasmuch as Congress has done that that way, it is within the power of the several States to control even interstate packages when they come into the State, and I am up against an injunction upon that one principle. There is a decision of the Supreme Court upon it and I think Mr. Flanders is absolutely right. I think the national law should be strengthened by making that very proviso. The courts have held everywhere that it is the right of the purchaser to know what his package contains when he purchases it, so I think the national law should require that. The constituents should be disclosed and in the order of their proportionate presence.

Mr. Doolittle: I have had some experience with the State laws and some experience with the national law. I think the great difficulty is in those exceptions

was a Justice proclaimed that Congress having acted upon the subject of food in interstate commerce then the States control them within their own borders. I say that in these places in this national food law Congress occupied only a limited field. For instance, Congress has not provided for the labeling of articles like these mixtures with their constituents and ingredients as Congress has done that way, it is within the power of the several States to control even interstate packages when they come into the State, and I am up against an injunction upon that one principle. There is a decision of the Supreme Court upon it and I think Mr. Flinders is absolutely right. I think the national law should be strengthened by making that very precise. The courts have held everywhere that it is the right of the purchaser to know what his package contains when he purchases it, so I think the national law should require that. The constitution should be disclosed and in the order of their proportionate presence.

Mr. Doollittle: I have had some experience with the State laws and some experience with the national law. I think the great difficulty is in those exceptions

providing for imitations. I think if we could get that matter straightened out we would be on a uniform basis and have uniform action. I don't know particularly about the New York law but I do know something about the Michigan law and there was no one part where we had more difficulty than with those exceptions and it is the same thing with the national law. When you figure up the number of cases in court you find 90 per cent of them would be under those exception clauses. If you draw your indictment under some other section of the law it can be manipulated in some way to throw the case under one of those exceptions. If it could be decided just what a mixture and a compound and an imitation are and just how they can be labeled I think it would be a splendid thing. I think if it is imitation jelly the word "imitation" should go up there with the word "jelly" and in the same sized type and be equally conspicuous, so that the person that buys the goods knows he is getting imitation jelly or imitation vinegar or whatever it is instead of having "Vinegar" up at the top and then "Imitation" in little bits of letters away down at the bottom somewhere. Judge Hand in the U. S. Court at New

that day I was in the car with
him and we were talking about
the things that were going on
in the world and he was saying
that he was going to write
a book about it.

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York criticized that section of the law the most effectively I have ever heard. No two persons will give the same construction of those things. Congress ought to write into the law what they mean. I think we ought to make up our minds whether we are going to make any exceptions at all or not, but if we are going to have any we ought to define exactly what they are, what is a compound, what is a mixture, what is a blend, and what is an imitation. Those things ought to be defined in our law. We all ought to agree on them in the first place and then write them into the law.

Mr Jackson: Dr. Caspari might give us some information on that. He is engaged in the revision of the Pharmacopoeia and those questions come up in that.

Mr. Flanders: Before that, may I ask another question for him to answer, too. In our State we have a good deal of tonka and coumarin sold as "Flavoring Extract". Now is that an extract or what is it? Is it an imitation and if so what is it an imitation of? One man said it was an imitation and I said how are you going to prove it? And what is going

to determine it is an imitation? It is a compound. They have attempted to say that this exception clause did not mean anything except this: It must have been a compound or mixture to be an imitation. We hold that a compound or mixture or blend, any one of them, must be labeled to show that fact and must bear the further labeling of its constituents. And the question has arisen several times that tonka and coumarin was an imitation vanilla extract. It seems to me they are distinct and separate and if your senses are fine enough you can distinguish between that and vanilla extract. There is no vanilla there at all.

Mr. Doolittle: Don't you think the use to which that product is to be put ought to be considered? Vanillin and coumarin are used a good deal for flavoring cakes.

Mr. Flanders: I don't know. No, it doesn't seem to me that is right. When I am selling a substance it is something when I sell it, and it doesn't seem to me that the subsequent use to which it is put could change what it is. I am bothered at times to find out what is an imitation. I tell a man, "You must label that an imitation." But how can I prove it is an imitation

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of anything when he swears it is a distinct commodity composed of coumarin and tonka and says it is a compound or mixture. How can I show it is an imitation?

Mr. Doolittle: That is just the point in my mind. I think you are right under the present laws but these laws are enacted for the protection of the public health. Now it is the ultimate consumer that uses it, and what does he use it for?

Mr. Flanders: If I have stated the truth about it, hasn't he got the whole truth?

Mr. Doolittle: I mean the ultimate consumer is the man who eats the ice cream or cake.

Mr. Flanders: Oh, but the label doesn't go that far anyway. It goes to the person who gets it with the label on.

Mr. Allen of North Carolina: Imitation of what? If it is an imitation, what is it an imitation of?

Mr. Flanders: It is an imitation of vanilla.

Mr. Allen of North Carolina: Did it have "Vanilla" on it or just "Imitation"?

Mr. Flanders: No, but it was vanillin and coumarin. I understand vanillin is the active principle of the

Mr. DeLott: That is just the point in my mind.

I think you are right under the present laws but these laws are enacted for the protection of the public health. Now it is the ultimate consumer that uses it, and what does he use it for?

Isn't he got the whole thing?

Mr. DeLott: I mean the ultimate consumer is one

Mr. DeLott: Oh, but the label doesn't go that far

If it is an imitation, what is it an imitation of?

Mr. DeLott: It is an imitation of vanilla.

Mr. DeLott: Did it have "Vanilla" on the label?

It is the same principle of the

vanilla bean but all these things are synthetic they tell me. I am not a chemist, you know. But I understand vanillin is a manufactured product or the other way around and when they say vanillin and coumarin it may be the one kind or the other but the gentlemen insist that it is an imitation and the question that comes to me is how can I prove it and ask the man to pay a penalty. It is a mixture of two distinct products together is what they say. I don't want to take a positive ground on it because I don't understand it thoroughly enough myself.

Dr Caspari: Mr Chairman and Gentlemen, I don't know that I am in a position to answer the different questions that have been put to me but I would say this: as a general rule in the Pharmacopoeia the word "Compound" is attached to the name of the chief ingredient of a mixture of substances to imply that besides the chief ingredient others are present, such as compound powder of acetanilid. In the case of mixtures a somewhat similar condition exists and that has been admitted as a name in use in the Pharmacopoeia for a long while. It doesn't necessarily imply many ingredients but sometimes

only a single ingredient. We had formerly mixture of almond, mixture of asafoetida, preparations that are now emulsions, but when it comes to "Imitation" that is not used in the Pharmacopoeia, of course, and we have no opportunity of referring to it in connection therewith.

The suggestion of Mr. Flanders calls to mind the following case: If a manufacturer puts on the market a preparation which he desires to sell as a flavoring agent, containing vanilla or vanillin together with coumarin, that would be a compound and would be so considered if introduced into the Pharmacopoeia. In the National Formulary we have compound essence of vanillin, which is an imitation extract of vanilla. It could not be so considered in law because the title is very plain. That contains coumarin, besides vanillin, but vanillin is supposed to be the chief constituent, and among these other things there is coumarin. That preparation when sold under the name of compound essence of vanillin could not be labeled vanilla; but alcohol and water and sugar colored with caramel and coumarin and vanillin could be "Imitation Vanilla" because it is not made from the bean. Tincture of vanilla is recognized

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in the Pharmacoposia and Circular 19 states that extract of vanilla shall be the equivalent of tincture of vanilla, that is, it says it shall be made in the same proportions. We hold that a compound such as I have mentioned in the compound essence of vanilla, the manufacturer must place the ingredients upon his package, not the proportions but the ingredients and we have been compelled to go so far as to require vanilla bean vanillin and coumarin to be labeled "Compound extract of vanilla containing vanilla bean, vanillin and coumarin." That is in keeping with the United States government. I had some correspondence with the Bureau of Chemistry before I felt satisfied to issue a ruling on the subject. The only question which arises is what proportion of the chief ingredients must be present. Yet there are plenty of extracts of that kind which contain one-fourth or even one-tenth as much of the vanilla bean as is requisite for the official tincture. It is compound extract of vanilla provided the ingredients are mentioned. We do that in Maryland. I don't see how you could compel a man to label it "Imitation Extract of Vanilla" if it is compound vanilla and coumarin.

Mr. Allen of Kentucky: Suppose he introduced into that an artificial coloring?

Dr. Caspari: It cannot be called imitation vanilla because there is no coumarin in extract of vanilla.

Mr. Allen: Is there any caramel coloring in it?

Dr. Caspari: No.

Mr. Allen: Is it your idea that you must have the exact ingredients to have an imitation of anything?

Dr. Caspari: No, but you must not introduce another article of flavoring.

Mr. Allen: Is it not a substance introduced into the product to make it look like something else?

Dr. Caspari: No.

Mr. Allen: Why is it put in there?

Dr. Caspari: Well, the public has an idea it is worthless if it hasn't that color.

Mr. Allen: The brown color.

Dr. Caspari: Some of it has mighty little color.

Mr. Allen: Is any of it white?

Dr. Caspari: No, not white, but some of it is very pale.

Mr. Allen: Is not caramel put in there to make people think it is true vanilla?

Dr. Caspari: Perhaps it is.

Is an artificial coloring?

Q. Yes, it is called imitation vanilla.

A. Is it composed in extract of vanilla?

A. Yes, is there any caramel coloring in it?

A. No, I do not consider that you must have any.

Q. Do you think it has an imitation of anything?

A. Yes, but you must not introduce anything.

Q. Is it flavored?

A. No, it is not to make it look like something else.

Q. Is it? No.

A. Yes, why is it put in there?

Q. Well, the public has an idea it is

the brown color.

Q. Is it? No, it is not.

A. Yes, it is not.

Q. Yes, it is not.

Mr. Allen: Is it not then an imitation?

Dr. Caspari: No, not the color if the article is labeled to show to the buyer the fact that this has been artificially colored.

Mr. Allen: In food technology is it not true that the word "artificial" is the same as "imitation"?

Dr. Caspari: That is a question--whether it means the same thing or not.

Mr. Allen: But in the minds of the average person it does, does it not? You said "Artificially colored"--didn't you use that in the same sense you would "Imitation"?

Dr. Caspari: Yes, in that sense you would--yes. But it is not an imitation when it is labeled that.

Mr. Allen: That is the point. Suppose your law provides the kind of labeling you are now stating- that is to give the ingredients. But suppose in the case of imitations they should be labeled "Imitations", would not the word "imitation" then be the proper designation for this article? When something is added to make it appear to the public to be something which it is not?

Dr. Caspari: Let me ask you a question. Suppose he makes it from vanilla bean and gets very little extract and he adds caramel to it to color it, would that be an

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imitation?

Mr. Allen: No, it would be an imitation of a particular kind of vanilla.

Dr. Caspari: That is an imitation vanilla on account of the coloring the man puts in it?

Mr. Allen: The vanilla color is there to make it appear of a more desirable quality.

Dr. Caspari: That is the same thing exactly. You admit it would not be imitation extract of vanilla?

Mr. Allen: In that sense it is an imitation of a particular quality of some other vanilla. In that particular case it is toned up or doped or made to look a little better. But in the other case you have taken two substances and put the color in there for the sole purpose of fooling people into believing it is vanilla and you are deceiving or misleading the consumer into believing that this mixture is vanilla. It looks like vanilla and that is your main purpose in doing it and that is what it does. These laws come along and say what these things shall be labeled. The laws are different regarding some of these things. The gentleman from New York has put out the coloring in vinegar, in dilute acetic acid. It is not put in for any other purpose than to deceive. You know it and I know it.

It is put in there for fraud. They don't put a green color in oleomargarin, they put a yellow color in it to imitate butter. And why? Because the consuming public is accustomed to yellow butter. That is the reason they put yellow coloring in oleomargarin and doubtless the people who buy it and eat it think they are getting butter. They imitate the color of butter, of vinegar, of vanilla extract, of every kind of food product. I think our Kentucky laws cut that out altogether but my point is this, the sooner we come to understand just why certain colors are used in food products the better. The Circuit Court in the bleached flour case was right. They are right in this question of the harmlessness of the color used. Sometimes the worst things are covered up with the most harmless color and we want to get in our minds the fact that to take this harmless color and adjust the label to the color is a fraud and not to the purpose of the real reason why it is in there. To my mind the color section of the law is, from a labeling standpoint, considerably stronger than most of its friends think it is. It says a color shall not be used to conceal damage or

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fact that the majority of the population

of the country is engaged in agriculture

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inferiority. The average man thinks he is done with color right there. But the law says the product is in violation of it if it is an imitation of something else. Then it goes to the exceptions and says it can be sold provided it is labeled "compound" in the case where you have vanilla and tonka both together and so labeled, or a blend if you have some color which does not imitate the quality of some established substance and it is labeled "blend" or "imitation", which is the most common form of coloring. And when you read those imitation sections in connection with those color sections you have your law very much wider, and it applies to this field of imitations, and then you have a pretty good law, a broad law. My point is when that kind of coloring is put in there which makes your inferior tonka and vanillin look like this preferred, more expensive vanilla extract, it imitates the nature of the genuine and you have imitated the true vanilla extract. You may have a different law, Dr. Caspari, but when you come to the federal law you have made a compound of tonka and vanillin and you have colored it in imitation of the genuine vanilla.

Dr. Caspari: But you don't call it extract of vanilla?

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be sold provided it is labeled "compound" in the case

where you have vanilla and tonka both together, and so

labeled, or a blend if you have some color which does

not imitate the quality of some established substance

and it is labeled "blend" or "imitation", which is the

most common form of coloring. And when you read these

imitation sections in connection with these color

sections you have your law very much wider, and it applies

to this field of imitations, and then you have a pretty

wide law, a broad law. My point is when that kind

of coloring is put in there which makes your inferior

tonka and vanilla look like this preferred, more

exclusive vanilla extract, it imitates the nature of the

genuine and you have imitated the true vanilla extract.

You may have a different law, Dr. Casper, but when you

come to the federal law you have made a compound of

tonka and vanilla and you have colored it in imitation

of the genuine vanilla.

Dr. Casper: But you don't call it extract of vanilla?

Mr. Allen of Kentucky: No.

Dr. Caspari: That is my point.

Mr. Allen: And if you have made it to look like vanilla it is an imitation. The color in there is certainly for the purpose of imitating something.

Dr. Caspari: That may be correct, but if the label states the facts that is enough. That is notice to the buyer that it is not an extract of vanilla. There is no one present more heartily in harmony with these ideas but I do think we don't want to go too far. Color plays a very important part everywhere. The Pharmacopoeia and National Formulary both use color, and why? That is not done to imitate anything. It is done, perhaps, to favor the public taste in such matters. You know that the public really has no faith in anything that is colorless. You might sell a man some water and if it was white he would have no faith in it, but color it up and sell him that same kind of water and he has great faith in it.

Mr. Flanders: I would like to put one more question, Dr. Caspari. A substance composed of vanilla and tonka and vanillin and coumarin--do I understand you to call that compound extract of vanilla?

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Dr. Caspari: Yes, that is compound extract of vanilla.

Mr. Flanders: Well, that is more liberal than we are in New York. Suppose tonka is one ingredient and vanilla is another--why not call it Compound Extract of Tonka?

Dr. Caspari: They could do so, certainly--but it would not sell so well.

Mr. Flanders: My judgment is that the plain truth is that that is a compound extract composed of vanilla and tonka--that is the plain truth, unless, of course, one of the ingredients predominates over the other. But what I want is for people to tell the exact truth. Its hard to get them to do it, I know, but we try.

Mr. Emory: When one is more largely present than the other you would use only one name?

Mr. Flanders: We don't do that. We take the ground that that is a compound flavor composed of tonka and vanilla.

Dr. Caspari: I think the name all ought to be in the same sized type.

Mr. Flanders: I want to know if that statement which is the literal truth is not the one the purchaser ought to have.

Dr. Caspari: I think that is right, yes.

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Mr. Abbott: I understood Dr. Caspari to say that the Pharmacopoeia has a compound essence of vanillin.

Dr. Caspari: That is the Formulary, not the Pharmacopoeia.

Mr. Abbott: Well, what I wanted to say is that it was so called because the vanillin predominates, although it contains coumarin.

Dr. Caspari: Yes, that is the general thing.

Mr. Abbott: But that is the understanding among the Pharmacopoeia and Formulary makers?

Dr. Caspari: Yes.

Mr. Abbott: But don't you think a different idea would prevail in the minds of the public? Suppose I ask an ordinary man what is compound extract of vanilla, or compound essence of vanillin, would he necessarily understand that it contains something other than the ingredients named, some other ingredients not so important?

Dr. Caspari: You say not so valuable or so important. He would understand, I think, that it was a preparation of vanillin with other ingredients.

Mr. Abbott: Don't you believe that the majority of our purchasers, when they come across a label like compound essence of vanilla, think it is vanilla?

App: Well, what I wanted to say is that it was called because the vaccine is predominant, although

Dr. Casper: Yes.

Mr. Abbott: But don't you think a different idea

would prevail in the minds of the public? Suppose I am an ordinary man who is compound expert of vaccine,

and stand that it contains something other than the

ingredients, some other ingredients not so important?

Casper: You say not so, vaccine or so important.

Mr. Abbott: I think, that it was a preparation

of vaccine with other ingredients.

Mr. Abbott: Don't you believe that the majority of

Dr. Caspari: No, I don't think so.

Mr. Abbott: I believe I can demonstrate with a hundred consumers that whenever you say "compound essence of vanilla" they will not have in mind what you Pharmacopoeia men have in your minds when you speak of it.

Dr. Caspari: What would they have in mind?

Mr. Abbott: It may be generally understood among scientific men, just like you understand the difference between tincture and spirits and essence, but the public doesn't understand those differences.

Dr. Caspari: But the public knows the difference between simple and compound. They surely know that.

Mr. Abbott: I can demonstrate to you with a preparation labeled "Compound essence of vanilla" that 85 per cent of our consumers who see it will think it is an extract, a straight vanilla extract.

Dr. Caspari: And I want to say that the 85 per cent would prefer that to the simple extract of vanilla as a flavoring agent, because it is better. You can ask any housewife whether she doesn't prefer that and

she will say she does. It holds the flavor better.

May I be excused to call on the Secretary?

The Chairman: Certainly. If there are any other questions we will save them for you, Dr. Caspari.

Mr. Abbott: It has been my experience so far as court procedure is concerned that the construction of terms or the definition of terms is taken by the court, and the jury is so instructed, to give the terms the meaning that is common among the public generally and so far as being uneasy about court procedure is concerned and compelling people to name their product correctly I do not think you need have any fear. I think we should not attempt to construe our law technically. I do not believe the public generally understands terms as technical men understand them. I am in favor of anything to strengthen the law, that will enable us to better dispatch our business. I would be glad to see the definitions of compound, mixture, and blend written into the law. That would facilitate work very greatly. I had so much trouble in Texas with the lawyers trying to tell us what "filthy"

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means--they talked so much about what "filthy" means that I had the Legislature define "filthy" so that I have a statutory definition of "filthy", and the lawyers do not like it either.

The Chairman: What is it, Mr. Abbott?

Mr. Abbott: The definition is this: "For the purposes of this Act the word "filthy" shall be deemed to apply to all food products insecurely protected from flies, dust, dirt and other injurious contamination." So I have eliminated the lawyers on the English language proposition so far as that term is concerned, at any rate. Now I believe, Mr. Chairman, in this connection of color, if every food official here were to read the debates in Congress on the passage of this Food and Drugs Act (if they have not already done so, and perhaps they have) he will get the exact idea that Congress had in mind. Those debates tell us exactly what Congress meant to do. Unfortunately, however, in some courts in this country the same interpretation has not been given to it. But it would enlighten you on this point if you would go to the debates in Congress on this question of color.

Mr. Flanders: I would like to ask a question. I

and the word "filthy" means

that the Legislature "shall" be that

language used in the "Bill", and the

is not in the statute.

The Chairman: What is it, Mr. Abbott?

Mr. Abbott: I am not sure.

His Act the word "filthy" shall be deemed to apply

to any person who is guilty of the crime

of first and other indignities committed." So I

am not sure.

Mr. Abbott: I am not sure.

Mr. Abbott: I am not sure.

Mr. Abbott: I am not sure.

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Mr. Abbott: I am not sure.

Mr. Abbott: I am not sure.

would like to get an expression of opinion from the gentlemen here present. The law says, "For the purposes of this Act an article shall be deemed to be adulterated if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength." Now for the question. Suppose I mix a cane sirup and maple sirup together and I get an article composed of equal quantities of those two sirups, have I reduced or lowered its quality or strength?

Mr. Allen of Kentucky: That goes to the other section of the law where it states if one substance be substituted wholly or in part for the article. You have reduced the flavor of the maple and you have reduced the flavor of the cane but could you not more properly go to that other section where it says "if one substance be substituted wholly or in part for the article"?

Mr. Flanders: Which one is substituted? Which is "it"?

Mr. Allen of Kentucky: Both are.

Mr. Chew of New Jersey: In order to get some idea of what this means, I would like to ask Mr. Flanders how this is labeled?

Mr. Flanders: The law provides that adulterated food

products shall not be sold. Then it says if they are harmless they may be sold if they are labeled in a certain way. I take the ground-but I am confronted with the attorneys on the other side and they have to determine from the experts' testimony, and you know how easy it is to get expert testimony on either side. Presumably many of you gentlemen are able chemists-- I am not--and so I raised the question on these two closely related products to get the benefit of your views. Is either of them reduced or lowered in quality or strength? Where would I stand in court on that point? Has either one of those been lowered, and what does "it" mean there?

Mr. Allen of North Carolina: When you say "two substances of practically equal value" do you mean food value or commercial value?

Mr. Flanders: "Or commercial value" is another question.

Mr. Allen of North Carolina: But from a money standpoint they are not the same. Maple is worth twice as much as the cane.

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WOMEN AND THE FUTURE OF THE WORLD

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Mr. Flanders: I have taken the standpoint that it is the food value and I have not thought that they were just alike.

Mr. Allen of North Carolina: It seems to me that in that case it would not mean the food value but the actual value.

Mr. Flanders: But it says "in quality".

Mr. Allen of North Carolina: It lowers its strength or value. I think the law has that word "value" there.

Mr. Flanders (after looking it up): No, it is "quality or strength".

Dr. Woodward: A purchaser goes into a store and desires to buy a certain quantity of cane sirup. He is supposed to know what he wants and if he is given maple sirup in place of it then I think that cane sirup is reduced in quality. It is not what he wanted; it is not cane sirup. On the other hand, if he wants maple sirup and he is given part maple and part cane then as maple sirup it is greatly reduced in quality. It is not what he is paying for according to his knowledge. But if he wants a mixture it is all right. It all depends on what it is sold for. He is entitled to get what he asks for, whether it is a compound or imitation or what

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of the material is not uniform throughout the sheet.

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not. It seems to me we are losing sight of the fact that a substance may be both at the same time, that it may be both an imitation and a compound. It seems to me that the ground taken by Dr. Caspary is certainly extremely dangerous. We have an idea of what might happen in such a state of affairs by what has happened with oleomargarine. And if all uncolored products are just as good as the colored they should build up a market on their true merits. But to come back to the sirup example--I think it is wholly a question as to what the purchaser wants.

Mr. Flanders: Suppose I am calling you now as a witness. Mr. Jones had gone into a store and said "I want some sirup", and he was given a mixture of cane and maple. I then seek to prosecute that man for selling an adulterated sirup on the ground that he had not labeled it for what it was. I call on you to testify in court, what would your testimony be?

Dr. Woodward: I should not say there was an adulteration in that case unless there was a statutory definition of what "sirup" was. If he wanted sirup he got sirup.

Mr. Flanders: Glucose is a sirup; molasses is a

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extremely dangerous. We have an idea of what might
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of example - I think it is wholly a question
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Mr. Thompson. Suppose I am calling you now as a
at Mr. Green had gone into a store and said
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sirup. "Sirup is a generic term including all those things and the man has called for sirup and if he is given a mixture of two sirups, isn't that adulterated?

Mr. Allen of North Carolina: I think most laws do define what "sirup" is--not the law itself, but the standards adopted under the law. And maple and cane are both sirups. It defines what "sirup" is. Cane or maple either, standing alone, is a sirup. Surely a mixture of the two would constitute a sirup. But glucose is not a sirup and if glucose were in that mixture it would no longer be a sirup but a compound.

Mr. Flanders: Suppose he gets New Orleans molasses and maple sirup?

Mr. Allen of North Carolina: Molasses is not a sirup. I think you said molasses was a sirup but under Circular 19 molasses is not a sirup.

Mr. Flanders: I get my understanding of this from the dictionaries.

Mr. Allen of North Carolina: But the law defines a great many things for itself. It does not leave it to the dictionaries. The definitions in the dictionaries have it that blend and compound mean the same thing,

single. "Single" is a general term including all these things and the man has called for single and if he is given a mixture of two singles, isn't that adulterated? Mr. Allen of North Carolina: I think most laws do

define what "single" is--not the law itself, but the standards adopted under the law. And maple and cane are both singles. It defines what "single" is. Cane or maple either, standing alone, is a single. Surely a mixture

of the two would constitute a single. But glucose is not a single and if glucose were in that mixture it would no longer be a single but a compound.

Mr. Flinders: Suppose he gets New Orleans molasses and maple single?

Mr. Allen of North Carolina: Molasses is not a single. I think you said molasses was a single but under Circular 19 molasses is not a single.

Mr. Flinders: I get my understanding of this from the dictionary.

Mr. Allen of North Carolina: But the law defines a many things for itself. It does not leave it to dictionaries. The definitions in the dictionary

but the food law defines blend as used in the law to mean a mixture of like substances. I will admit that the law is not plain on all of these things. But maple and cane might be regarded as like substances--that is, they are both sirups and either is a sirup standing alone and whether a mixture of the two would be a mixture of like substances I don't know but if they are identically alike then you hardly have anything but what you started with.

Mr. Flanders: Under our law a blend must be labeled a blend and labeled to show the constituents. But under the Federal law that is not true.

Mr. Brown: Mr. Chairman, we started to take up the third topic and it strikes me we are wandering pretty far afield.

The Chairman: We started to take that up, yes.

Mr. Brown: But we seem to have gotten quite a ways from it. To return to first principles, I want to offer a resolution that in the Federal Act under Section 8, subsection 4 the proviso therein be stricken out. Or I move that it be the sense of this meeting, at least, that that be stricken out. "If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the

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substances contained therein, which statement, design, or device shall be false or misleading in any particular: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced." (And second and third sub section of Sec. 8)

Now, those provisions have been productive of a lot of trouble, three-fourths of the trouble we have had in the enforcement of the Act.

Mr. Allen of Kentucky: Pardon me, do I understand you to mean you move to scratch that out or substitute something else for it?

Mr. Brown: No, I am coming to that. And especially like substances. We have heard something about like substances. That shows a little of the trouble that besets us all. My suggestion is this, which I will be very glad to put in the form of a resolution if desired,

contained therein, which statement, design,
shall be liable as false or misleading in any particular
statement. That an article of food which does not contain
any poisonous or deleterious ingredients shall
not be deemed to be adulterated or misbranded in the
following cases:

First. In the case of mixtures or compounds which
are sold under their own distinctive names, and not as
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law, whose provisions have been productive of a
great trouble, three-fourths of the trouble we have
had in the enforcement of the Act.

Now, you have to select that out of experience

something else for it?

Mr. Brown: No, I am coming to that. And especially

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that those provisions be stricken out and that a committee of this organization be named to substitute for them such definitions as may be necessary to carry out the spirit of the Act and enforce it to the best advantage. The definitions of imitation, compound, or blend might be written into the Act and a definition of "like substances". I am not sure it would not be advisable to cut out altogether the coloring matter in foods. They do no good, with all due respect to Dr. Caspari, and they are put in just to sell the things and while that may involve a little education of the public taste, we all know the biggest part of our work just now is educating the people. My ideas, I want to say, are not really complete as to what to substitute for these things in the law but I believe the committee could make a substitute that would be satisfactory all around. It is very desirable to get some sort of action on this particular proposition. Nine-tenths of our State laws are modeled on the Federal law and four-fifths of that nine-tenths have found out the difficulties and the defects of it and the State has gone about in its own way to try to correct those defects and deficiencies.

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the biggest part of our work has to do with
the public. In fact, I want to say, and not really
about as to what to substitute for these things

that is the end of our task.

The Tennessee Act was originally identical with the Federal Act. We have now several changes. We have cut out altogether this question of distinctive names. John Jones' peanuts have to be peanuts. Now unless we get some sort of a basis of agreement the trade is going to be stirred up and they will be carrying over a lot of old labels. They will surely put the cost of all that on the consumer and it will give them a lot of trouble and give us a lot of trouble and we have enough now, Goodness knows, without looking for it, so I would like, in order to try to get at what we are here for, to offer that as a suggestion and if any gentleman has anything better to offer, why, all right.

Mr. Allen of North Carolina: Is it not better for this convention to appoint a committee to act with someone, with the Secretary of Agriculture and the Board of Food and Drug Inspection, the chairman of this convention appointing a committee composed of so many State officers and one or two from the U. S. Department of Agriculture to redraft or amend the national food law, without making it refer especially to any particular part, just a redraft and then see if we can get Congress to

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amend it by striking out such parts as we find are not best, without limiting them or saying what they shall do other than just merely, after studying it and getting such information as they can from the Attorney-General and others, to amend it?

Mr. Allen of Kentucky: I move that the executive committee of the American Association of Dairy, Food, and Drug Officials be asked to consider this and at the forthcoming meeting report for full discussion as to whether or not the provision named by Mr. Brown of Tennessee shall be stricken out and as to what amendments shall be made, and in addition thereto, that the president of that Association prepare a paper for presentation at that time.

Dr. Woodward of Washington: I would like to second Mr. Allen's motion and say that at the meeting of the American Bar Association that matter was especially referred to the council on uniformity of laws and that this very subject of needed amendments to the federal food law is to come up before that committee at a meeting to be held in New York next week. This committee could not have disposed of the matter by that time, of course, but they could get in touch with the

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other committee.

The Chairman: That is very important.

Mr. Emery: I don't know whether Mr. Brown's motion was seconded or not and don't know the situation.

The Chairman: Mr. Brown did not make a motion, he made a suggestion. But Mr. Allen made a motion which was seconded by Dr. Woodward.

Mr. Emery: I understood it was a motion.

Mr. Brown: I first said it was a resolution and afterwards changed that. It was just a suggestion, Mr. Emery.

The Chairman: There is a motion before the house now, however, and it has been duly seconded. Mr. Allen's motion.

Mr. Emery: I oppose the motion then. This convention has been called to discuss certain things and express an opinion of this body here and now on those subjects brought before it. I suppose the gentlemen here have some opinions and are willing to discuss them and I don't care to refer the subject to any committee to tell me what to do about it. If this conference is not here to express its own opinions then I don't know what it is here for. We take up a subject and then without any discussion at all refer it to some committee to tell us what to do about it, and I am opposed to that way of

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doing.

Dr. Woodward: Is it not within the speaker's power to discuss the question and give voice to what opinions he has? The whole subject is open now for discussion. We will be glad to hear your opinions--they may help the committee.

Mr. Emery: That is what I was trying to do and I certainly hope I made it plain.

Mr. Allen of Kentucky: The gentleman from Wisconsin understands that this whole question has been referred to a committee with the request that it prepare the subject for the consideration of this body.

Mr. Emery: I don't know that I do understand it, Sir. I thought we were all invited to come here in a convention to discuss certain things and express our opinions.

Mr. Allen of Kentucky: Do you believe it is possible under your motion to adjourn sine die at noon for this body to formulate an amendment to the Food and Drugs Act?

Mr. Emery: I think it is possible to say what ought to be eliminated from the national law.

Mr. Brown: Would it suit you to have Mr. Allen's motion passed with the proviso that the sense of this

body be referred to the committee in so far as

1. The first part of the paper is devoted to a general discussion of the problem.

2. The second part is devoted to a detailed study of the case of a single particle.

3. The third part is devoted to a study of the case of a system of particles. In this part we shall consider the case of a system of particles which are interacting with each other.

4. The fourth part is devoted to a study of the case of a system of particles which are interacting with each other and with an external field.

5. The fifth part is devoted to a study of the case of a system of particles which are interacting with each other and with an external field, and which are also interacting with each other.

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10. The tenth part is devoted to a study of the case of a system of particles which are interacting with each other and with an external field, and which are also interacting with each other.

possible on certain points in this connection? If you choose, instruct your committee as to the sense of this meeting on certain points and tell them we believe so and so ought to be done. This would subject is one which will come before the meeting of the American Food and Drug Commissioners in June. In the meantime the Association might provide that the report be made at that time.

Mr. Allen of Kentucky: For action.

Mr. Brown: So the matter is open for discussion now.

Mr. Abbott: If this motion carries does that stop our further discussion of it?

The Chairman: No, the topic is still before us. The chair would like to address the convention. I have not asked permission before to say anything at this time but I want to state to the convention that we have two committees to memorialize Congress to amend the law so as to give authority to certain people to make amendments we want to make in the law. We want to make these amendments at one time. These committees will work while they are waiting for the law to be passed. The law now and next summer to be passed. Some other changes will possibly act as a hindrance to getting any change made at all.

Mr. Abbott: The Solicitor of the Department of Agriculture has written a letter to each food official asking for an opinion with respect to changes that ought to be made and how they are out of harmony with the State laws. I think it would facilitate matters with respect to correcting these laws if each food official would give that question thorough study and answer it in as definite a manner as he can. Then when that man gets all of these answers he can wade into it and try to get it together and my judgement is that then the paper he proposes to write will be a very definite and very accurate legal document that will enable us to get together. I don't think we ought to neglect that question or throw it aside into the waste paper basket, as I have probably done. I am going to look it up when I get back and answer it. And I would suggest also, if you do not consider me "impertinent" in doing so, that you should read the debates in Congress on the passing of the Federal Act itself and those debates will give you a good deal of light on the principles involved in the passage of that Act.

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Of course I don't mean to shut off discussion here now. There are some kinks in the law that ought to be straightened out. We have about five food inspection decisions, for instance, on saccharin, and two or three or four on copper, maybe. First we go a little forward and then we back up a little and then go forward again and back up again and maybe it is that we back up last, so it is very well for us to get to work on this in earnest and see if we cannot work out something for the good of all of us. We ought to get some definitions in the law, I think, for compound and imitation and those things. Lets get them if we can.

Mr. Emery: I had supposed that I was talking to the resolution, Mr. Chairman. Was I or was I not?

The Chairman: No.

Mr. Emery: I was out of order then.

The Chairman: Well, I presume you were misled by thinking Mr. Brown had made a motion. Now Mr. Allen, will you state what you consider is before the house?

Mr. Allen of Kentucky: My motion is that it be the sense of this body that the provisions which have been read by the gentleman from Tennessee should be amended by

Of course I don't mean to shut off discussion here now. There are some kinds in the law that ought to be straitened out. We have about five food inspection decisions, for instance, on asaccharin, and two or three or four on copper, maybe. First we go a little forward and then we back up a little and then go forward again and back up again and maybe it is that we back up last, so it is very well for us to get to work on this in earnest and see if we cannot work out something for the good of all of us. We ought to get some definitions in the law, I think, for compound and imitation and those things. Let's get them if we can.

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The Chairman: Well, I presume you were misled by thinking Mr. Brown had made a motion. Now Mr. Allen, will you state what you consider is before the house?

Mr. Allen of Kentucky: My motion is that it be the sense of this body that the provisions which have been read from Tennessee should be amended by

Congress in order to make them more clear and that the executive committee and the president of the Association of State Dairy and Food and Drug Officials be asked to prepare for such time as shall be necessary for a full discussion of those provisions at the coming convention with a view of making recommendations to Congress and that the president of that association and the executive committee appoint a special committee to prepare for that convention some amended draft of the law as a basis for consideration.

Mr. Emery: I would like to call upon the stenographer for information as to Mr. Allen's previous motion. I don't think this one is the same at all, Mr. Chairman.

The Chairman: No, Mr. Allen's motion differs in two features. Mr. Allen has stated what he understood to be his motion and it is before you. Is there any discussion on it?

Mr. Brown seconded the motion.

The Chairman: It was seconded before, Mr. Brown.

Mr. Emery: But in the restatement of it he has not stated it as he did at first.

The Chairman: No, you are right, Mr. Emery.

Mr. Emery: I am opposed to it and I still think it was in order because of the purpose for which it was introduced.

here together. And now the motion is amended and it is entirely different.

Mr. Allen of Kentucky: There is no intention to put anything over on the gentleman from Wisconsin. He made an objection to the motion as I first gave it and I went over to his chair and asked permission to include that in my motion, but I want to get into the motion what I believe is the opinion of this house as to what ought to go into the motion.

Mr. Emery: I understood I was out of order for objecting to your motion.

The Chairman: I considered you out of order at one time. The motion before the house has been duly seconded.

The motion was put and adopted.

Mr. Taylor of Louisiana: There is something of interest to me that I have not heard discussed by this body and I would like to have an expression of opinion from this body. I have prepared the following tentative resolution:

Resolved that this conference urge upon Congress the passage of laws regulating the inter-state shipment and sale of habit-forming drugs, especially cocaine.

some persons, and now we would be enabled and it is
entirely different.

Mr. Allen of Kentucky: There is no intention to put
any of the members of the committee on the ground.

objected to the motion as I first gave it and I went over
to his chair and asked permission to include that in my
motion, but I want to get into the motion what I believe
is the opinion of this house as to what ought to go into
the motion.

Mr. Emery: I understood I was out of order for
objecting to your motion.

The Chairman: I considered you out of order at
the time. The motion before the house has been duly

considered. There is something of
a question as to whether I have not heard discussed by this
house and I would like to have an expression of opinion
from this body. I have prepared the following tentative
resolution.
Resolved that this conference agree upon Congress the

the first laws regulating the interstate shipment and
the right of the States to regulate the same.

Mr. Emery: Is it in order to refer that to committee?

Mr. Allen: I second the motion.

The Chairman: The question before the house now is on the adoption of the resolution read by Mr. Taylor, the resolution he has just read.

Mr. Brown: I ask that he amend that to this extent. The Harrison bill regulating interstate and foreign traffic in opium and cocoa leaves has passed the House; it has not passed the Senate. If you want to get this traffic regulated I want to say that that is the most excellent means of handling the proposition, at least for a start. If you want to get the best work this body had better memorialize the Senate to pass the Harrison Act if possible before they adjourn.

Mr. Taylor: My only idea was to get an expression of opinion from the house. I will be glad of any substitute you will bring forward to better this resolution.

Mr. Brown: Then I would suggest the following resolution--it can be put in good English after I get through with it: Resolved, That it is the sense

Mr. [Name]: It is in order to refer this to committee.

Committee?

Mr. Allen: I second the motion.

Mr. [Name]: The motion is carried.

The adoption of the resolution read by Mr. [Name].

The resolution has been read.

Mr. Brown: I now want to send this to the committee.

Mr. [Name]: The motion is carried.

Resolved in favor of the resolution has passed the committee.

Mr. [Name]: The motion is carried.

I refer a matter to the committee to be reported on.

Mr. [Name]: The committee has reported the proposition.

It was voted to give the proposition.

Mr. [Name]: The committee has reported the proposition.

Resolved in favor of the proposition has been adopted.

Mr. [Name]: The only thing was to get an amendment.

Mr. [Name]: The motion is carried.

Resolved in favor of the proposition has been adopted.

Resolved in favor of the proposition.

Mr. Brown: Now I would like to see the committee.

Mr. [Name]: The committee has reported the proposition.

Resolved in favor of the proposition has been adopted.

of this convention that the Harrison Act, so-called, H. R. #6282 now pending in the Senate, is a good and sufficient means for regulating trade in opium and cocoa leaves compounds and that it will more nearly than any other measure that has up to this time been introduced effect the purpose for which it is designed. Resolved further that this body respectfully memorialize the honorable Senate of the United States and the individual Senators be requested to pass this bill at as early a date as possible in order that the benefits to be derived by its passages shall be derived at the earliest possible moment.

Mr. Lythgoe: Is that a substitute motion?

The Chairman: Still it would have to be seconded.

Mr. Lythgoe: I second the motion.

Mr. Brown: I can give you some information regarding the Act because a similar one has just been passed in Tennessee. In the first place, the matter is put into the hands of the Internal Revenue Department and a tax of \$1 per year is placed on every dealer in these compounds. Every dealer must register and pay the tax. He must keep a register of his interstate shipments

of the subject to sell. Mr. Chairman, I will be pleased with

of this convention that the Harrison Act, so-called

insufficient means for regulating trade in opium and
cocca leaves compounds and that it will more nearly fit
any other measure that has up to this time been intro-
duced for the purpose for which it is designed. It is
further stated that the bill is not only a measure of
protection to the United States and the United States
generally but also a measure to give this bill as well
as possible in order that the benefits to be
derived by its passage shall be derived at the earliest

possible moment.

Mr. Lythgoe: Is that a substitute motion?

The Chairman: Still it would have to be recorded.

Mr. Lythgoe: I second the motion.

Mr. Brown: I can give you some information.

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the hands of the Internal Revenue Department and is
of 41 or year is placed on every dealer in these
compounds. Every dealer must register and pay
He must keep a register of his interstate shipments

and interstate sales, giving the amount of the sales and purchases. Only dealers, registered dealers, can sell the goods. The object, you see, is to follow down any particular batch of the stuff and see what becomes of it. But the trouble with State regulations on this has been that it was impossible to prevent it from coming it from the outside, illegal sales. Preparations containing minimum amounts of morphine and cocaine are exempted from the operation of the Act.

? Why?

Mr. Brown: Because to get away from our friend, the patent medicine man, we had to do that, as you know.

? Why are you afraid of them?

Mr. Brown: We have to be afraid of them if we ever expect to get anything at all out of Congress. Give in to them a little in order to get a little for ourselves. It's the best we can ever do. A further exemption is harmless preparations which are not used for dope purposes. The important provision of the Act is that the possession of the goods is prima facie evidence of the intent to sell. Dr. Caspari may be familiar with some of the provision of the Act I have not mentioned.

and therefore a large part of the weight of the action and
the object, you see, is to follow down any
particular case of the staff and see what becomes of
it. But the trouble with this vegetation on this has
been to prevent it from coming
gaining a number of animals of various kinds and causing a
good deal of the operation of the Act.

Q. Why?
A. Because, I suppose, to get away from our friends, the
present medicine men, we had to do that, as you know.

Q. Why are you afraid of them?
A. Mr. Brown: We have to be afraid of them in we ever
are anything at all out of Congress. Give in
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a little in order to get a little for ourselves
if we can. We have to do that.

The Chairman: Mr. Brown you asked me a while ago whether we were talking to the topic, and so I will ask you now if you are.

Mr. Brown: No, we are not. But the subject was introduced by Mr. Taylor and I was simply following it up.

The Chairman: You are the author of this substitute resolution. Our time is limited and the question we started on really has not been touched upon so far as the variations of the different State laws are concerned, and if we want to discuss that question we ought to go at it.

Mr. Brown: The proposition is that we have this other thing before us and I was going to talk about it. I was interested in it. Personally I should be glad to see the other matter handled first.

The Chairman: Or couldn't we give it to a committee?

Mr. Allen of Kentucky: I move as a substitute that this body should pass such legislation as will be necessary to control the sale of opium and the Senate be memorialized not to favor any interests connected with it, and that the individual States be requested to

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provide themselves with a copy of that bill.

Mr. Emery: I raised the question of whether it would not make a stronger impression on Congress--

Mr. Brown: Mr. Chairman, my motion is before the house.

The Chairman: Is this motion seconded?

Mr. Doolittle: I second the motion.

Dr. Woodward: I move to amend it by straightening out the reference to foreign and interstate trade by this: "So far as may lie within the power of the Federal Government".

The motion was put and adopted.

Mr. Emery: I made the motion this morning to adjourn sine die when we adjourned this morning session at one o'clock but I am aware that many of the gentlemen now here were not here when that motion was passed and I now move a reconsideration of that motion.

The Chair put the question and there was a division; the Chair then announced that the meeting would not adjourn at the conclusion of the morning session.

The Chairman: I see that the Committee on Cooperation is now here. Before that committee reports I have some committees to announce as follows:

provide themselves with a copy of that bill.

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not make a stronger impression on Congress--

Mr. Brown: Mr. Chairman, my motion is before the house.

The Chairman: Is this motion seconded?

Mr. Woodward: I second the motion.

Dr. Woodward: I move to amend it by strengthening

out the reference to foreign and interstate trade by

this: "So far as may lie within the power of the

Federal Government".

The motion was put and adopted.

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the Chair then announced that the meeting would not

adjourn at the conclusion of the morning session.

The Chairman: I see that the Committee on Cooperation

is now here. Before that committee reports I have some

committees to announce as follows:

Committee to memorialize Congress for Standards:

Dr. E. F. Ladd, North Dakota.
 S. E. Strode, Ohio.
 J. D. Mickle, Oregon.
 Dr. Geo. B. Taylor, Louisiana.
 W. S. Mathews, Illinois.

Committee to secure passage of Ladd Bill with
 Guarantee:

Joel G. Winkjer, Minnesota.
 R. M. Allen, Kentucky.
 Herman G. Lythgoe, Massachusetts.
 Herman G. Lythgoe replaced Mr. J. Q. Emery,
 who was first announced on this committee.

Committee to wait on Postmaster General Regarding
 Bulletins:

Dr. Guy G. Frary, South Dakota.
 Dr. F. S. Jackson, Rhode Island.
 Maurice Groshon, Wyoming.

Mr. Emery: I request the Chair to submit another
 name on that committee in place of mine.

The Chairman: If you do not care to act.

Mr. Emery: I think it will be quite impracticable
 for me to serve on that committee.

The Chairman: I will announce another name later.

We are ready now for the report of the Committee on
 Cooperation.

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Mr. Mitchell (Dept. of Agriculture Washington): Your Committee offers the following amendments to the recommendation as published in the Manual of Procedure under date of May 22, 1913:

RESOLVED: That Section 3 be amended by adding to the second paragraph the following words "and directing the attention of each official to such violations as have originated in his State" so that this paragraph, as amended, will read:

"We recommend that the Secretary of Agriculture be requested to send out to all collaborating officials such confidential information concerning matters of general interest affecting the enforcement of the national Food and Drugs Act as may be of assistance to the collaborating officials in the performance of their duties and directing the attention of each official to such violations as have originated in his State."

RESOLVED, That an office be established in the United States Department of Agriculture to serve as a clearing house and to carry into practical effect the spirit of cooperation as expressed in the previous reports of the Committee on Cooperation.

RESOLVED, That, in those States where the laws will permit, United States inspectors be authorized on request of collaborating State officials to collect for them

Washington, D.C. 20540

to the following amendments to the recommendations as published in the Manual of Procedure under date of May 22, 1953:

RECOMMENDED: That Section 3 be amended by adding to the second paragraph the following words "and directing the attention of each official to such violations as have originated in his State" so that this paragraph, as amended, will read:

"The Secretary of Agriculture is directed to direct all collaborating matters of general interest affecting the enforcement of the National Food and Drug Act as may be of assistance to the collaborating officials the attention of each official to such violations as have originated in his State."

RECOMMENDED: That an office be established in the United States Department of Agriculture to serve as a clearing house and to carry into practical effect the spirit of cooperation as expressed in the previous reports of the Committee on Cooperation.

RESOLVED: That, in those States where the laws will permit, United States inspectors be authorized to request of the State authorities to collect for them

samples of articles sold in intrastate commerce which appear to be in violation of the laws of the State in which they are found, the cost of such samples to be paid by the States for which the samples are collected.

The procedure outlined in the previous reports of the Committee on Cooperation as respects criminal cases is intended to apply to criminal prosecutions which the commissioned State official desires to have instituted outside of his own State.

RESOLVED: That whenever a commissioned State official discovers a violation of the Food and Drugs Act which can be prosecuted criminally in the Federal court within his own State, the Commissioned State Official make his report direct to the United States Attorney and at the same time furnish a copy of the report to the Chief of the Bureau of Chemistry.

Signed	S. J. Crumbine
	J. S. Abbott
	A. S. Mitchell
	C. L. Alsberg

The Chairman: You have heard the report of the Committee on Cooperation. What is your pleasure?

Mr. McCabe: I move that the report be adopted.

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which they are found, the cost of such samples to be paid

by the owner for which the samples are collected.

The procedure outlined in the previous reports of

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Signed
at Washington, D.C.

G. L. Alford

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Mr. Doolittle: I move we take it up section by section and discuss it.

Motion adopted.

The Chairman: One moment. I am informed that the Assistant Secretary is in waiting and if it is your pleasure we would be delighted to hear from him. I will appoint Dr. Crumbine, Dr. Ladd and Dr. Alsberg a committee of three to wait upon the Assistant Secretary. (The committee conducted Dr. Galloway to the platform where he was introduced by Mr. Wallis to the convention).

Dr. Galloway: Mr. President, gentlemen, I did not come here this morning to make a speech. We have been spending most of the week in conferences and talks with the various meetings now going on in Washington having for their purpose unification of the work throughout the country, educational and otherwise, but I am happy to come here this morning to pay my respects. It is rather too late to say that we welcome you but I extend the hearty sympathy of the Department of Agriculture in this effort you are making, in this work you are doing in the enforcement of the pure food laws. I think you have a great work before you and I wish to assure you that you have the hearty support of this Department and I hope

that you will not hesitate to call upon us at any time.

Thank you very much.

The Chairman: I believe someone made a motion to take up the report of the Committee on Cooperation section by section. What is the pleasure of the convention, gentlemen?

Mr. Brown: I move the report be taken up at once.

Seconded and carried.

The Chairman: The Secretary will read the first part of the report. I will state the order of adopting the report. If there is no objection the Secretary will go on with the next provision.

Dr. Randall: "Resolved, That Section 3 be amended by adding to the second paragraph the following words 'and directing the attention of each official to such violations as have originated in his State' so that this paragraph, as amended, will read

'''We recommend that the Secretary of Agriculture be requested to send out to all collaborating officials such confidential information concerning matters of general interest affecting the enforcement of the national Food and Drugs Act as may be of assistance to the collaborating officials in the performance of their duties and directing the attention of each official to such violations as have originated in his State.'''

Dr. Woodward: What is the reason for the word "confidential" in there? Why not let the Secretary of Agriculture and the Bureau of Chemistry send out such

information as they see fit?

Mr. Mitchell: I think the object of placing that word in there was that there is no authority in law for sending out that information prior to a judgment by the Court and the object was to send it to these collaborating officials as members of the Department of Agriculture and in confidence.

Dr. Woodward: There is no authority in law for sending out what information?

Mr. Mitchell: Informations as to violations of the law.

Dr. Woodward: There is nothing in the law prohibiting the Secretary of Agriculture from sending out such information as may be of interest to the collaborating officials. It is only to the latter clause that the law prohibits any publication of the facts.

Mr. Mitchell: Much of that confidential information which was in the opinion of the committee intended to be covered was in the nature of analyses which had been made and where hearings had been held under the Act where there was an apparent violation.

The Chairman: The motion is to adopt that section as it stands.

Dr. Crumbine: "Confidential" might be put in the

latter part of the clause. I think the committee would be willing to do that.

Dr. Woodward: I would like to leave it to the Secretary of Agriculture.

Dr. Galloway: I believe the word "confidential" in there would be embarrassing and might some time be embarrassing to the Secretary of Agriculture. The word "confidential" was incorporated in certain instructions sent out with the meat inspection laws and gave the Department considerable trouble later on. I believe if that "confidential" were transposed or eliminated entirely the purpose of the committee would be served and at the same time safeguard the Department of Agriculture in the future.

The Chairman: If there is a second to the substitute motion I will put it.

Mr. Allen of Kentucky: I will second the motion.

The Chairman: The motion is to adopt the section but with the word "confidential" eliminated.

Carried.

The Chairman: The Secretary will read the next section.

Dr. Randall: Resolved, That an office be established in the United States Department of Agriculture to serve as a clearing house and to carry into practical effect the spirit of cooperation as expressed in the previous reports of the Committee on Cooperation.

No objection.

I think the committee would

be glad to leave it to the Secretary

in the word "confidential" in

the word "confidential" and at the same time the emphasis

on the word "confidential". The word "confiden-

with the word "confidential" and give the Department

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The Secretary will read the next section.

Resolved that in those States where the laws will permit, U. S. inspectors be authorized on request of collaborating State officials to collect for them samples of articles sold in intrastate commerce which appear to be in violation of the laws of the State in which they are found, the cost of such samples to be paid by the States for which the samples are collected.

Dr. Caspari: In that connection, the request that the U. S. inspectors purchase for the State officials samples, I would like to say a word. Now in our State we have to guard very carefully the course which the sample takes from the time when it is taken up by the inspector until the time when it is finally produced in court, so that in such a case we would have to swear in an inspector as a State official.

Dr. Crumbine: The resolution reads that this shall be upon the request of the collaborating official.

Dr. Caspari: Yes, but we would have to swear him in first.

Dr. Crumbine: Well, of course that depends on your own State laws.

Dr. Caspari: Yes, and we would have to do that even if it were only for one particular case. We would have to show that the party purchasing the sample was an officer of the State.

The Chairman: That is a matter of detail.

Dr. Caspari: It is embarrassing.

Dr. Crumbine: No samples would be collected except upon request. You need not be embarrassed at all, because no samples would be collected unless you requested that they should be.

Dr. Caspari: I understand that. But it is a question of whether we could get the U. S. inspector in court afterwards to prove the sequence from the salesman to the jury.

Mr. Mitchell: I think there is a proviso in there which says that where the laws of the State permit that, he may be authorized or commissioned as a State official, but in some instances the law will not permit. That is provided for.

Dr. Randall: "The procedure outlined in the previous reports of the Committee on Cooperation as respects criminal cases is intended to apply to criminal prosecutions which the commissioned State official desires to have instituted outside of his own State. Resolved: That whenever a commissioned State official discovers a violation of the Food and Drugs Act which can be prosecuted criminally in the Federal court within his own State, that the commissioned State official make his report direct to the U. S. Attorney and at the same time furnish a copy of the report to the Chief of the Bureau of Chemistry."

The Chairman: Gentlemen, that is the end of the report.

Mr. Allen of Kentucky: In order to get it before the

house, I move its adoption.

Seconded.

Mr. Allen of Kentucky: That would limit us to the Federal court within our own State. That would make it, so far as this document is concerned, more or less impossible for Dr. Crumbine to report a case to the U. S. Federal court in Kansas City. This whole method outlined is illegal and not in conformity with the Federal act but I take it it is a proper method of procedure according to your views or it would not have been included, but I don't wish to vote for anything which would prevent me from getting hold of Hart out there in Cincinnati and Mr. McPherson and getting a case through without a whole lot of red tape that really has been the real stumbling block in the way of cooperation right along. That is my point and I think that resolution should be amended.

The Chairman: Don't make a suggestion, Mr. Allen. Make it a motion.

Mr. Allen of Kentucky: Then I move that this be amended so as to include not only cases which arise in a particular State but such cases as arise in such a manner as can be best handled by the collaborating official in the State or the commissioner in the State.

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... within our ... That would ...
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... really has been the real stumbling block in the way of
... operation right along. That is my point and I think
... at resolution should be amended.

The Chairman: That makes a suggestion, Mr. Allen.

Make it a motion.

Mr. Allen of Kentucky: When I move that I

... the commissioner in the State.

Dr. Crumbine: " I confess before this convention that I was somewhat of the same mind as Mr. Allen but I have changed my viewpoint for two reasons. First, a question of ethics entirely--and I believe we ought to have some professional ethics in this Association as well as in any other Association, and I think we ought to proceed with a great deal of care in going into some other official's territory. In the first place we have not the standing in the Federal courts that we have in our own State courts, so I think we ought to proceed with a great deal of caution. I believe that ought to be a case to be submitted to the Department of Agriculture for this reason: We had some very interesting discussions on that subject within the hour and I was converted to the viewpoint of the Solicitor of the Department and that is this: The State officials are not, as a rule, conversant with the various procedures under the Federal law.

Mr. Allen of Kentucky: Isn't the U. S. Attorney conversant with them? Mr. McPherson is one of the best informed, most able of the whole corps of the government attorneys. Can't you trust that man to see that your evidence is presented without the necessity of taking a little

that is, the fact that

have been found to have

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that Association, and I think we ought to proceed with

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milk case through all this red tape?

Dr. Crumbine: I'll tell you this: Within the last ten days I took a Federal food case to our own district attorney who had been only recently appointed, and he was like a little child on the proposition. He absolutely didn't know anything about it, except, of course, matters of general procedure.

Mr. Allen of Kentucky: But I don't want you to shut the door on my doing it.

Dr. Crumbine: No. This is an expression of policy-- that is all. The idea I was about to state was this: Every food official may not be aware of it but I want to say that if we fail in our case the effect of having a case decided against the government is a very great one.

Mr. Allen of Kentucky: The question is this: Is not the Solicitor of the Department just as much interested in that case reported by you as if it were reported by a Federal laboratory?

Dr. Crumbine: I think we must assume this attitude: If we are going to handle these cases directly we must assume the responsibility for the matter. We must be responsible for those cases. But if we don't wish to have that responsibility then we ought to report it to the Department of Agriculture.

Mr. Allen of Kentucky: Take a little case of adulterated milk--

Dr. Crumbine: I am speaking of a question of policy. Is that the proper policy to pursue?

Mr. Allen of Kentucky: The proper procedure is to get hold of Mr. McPherson and Hart and work the case up and take it into court as fast as you can get it there. If I have a good inspector and the Federal Government has a good man down there in Cincinnati and they get together that is all there is to it. What is the use of spending so much money determining whether we can prosecute when its a plain case of water in milk?

Dr. Crumbine: Everyone has his own views. I would be inclined to turn the matter over to the Federal officers.

Mr. Allen of Kentucky: All right. Suppose you get in better touch with your Federal men out there.

Dr. Crumbine: It is not within the scope of this recommendation.

Mr. Allen of Kentucky: No, I don't so take it, because then the matter is to be referred to Washington.

Dr. Crumbine: No, it is just a matter of policy, and it seems to me it is a proper procedure.

100.
The Chairman: The report is for adoption in its entirety. What do you have to say with the report of the Committee? Remember that a motion has been made to adopt it, but it has not yet been seconded.

Mr. Lyngbee: I second the motion.

Carried.

The Chairman: What is the pleasure of this convention, gentlemen?

Mr. Emery: I would ask what business there is for the convention this afternoon.

The Chairman: I am sorry, Mr. Emery. The convention has been called for this afternoon, and I am sorry that the business about has been so much.

The Chairman: That is true. There was a suggestion made that Mr. Tolman had some interesting data on the milk department has done.

Mr. Brown: I move the house discuss such matters as come before it up until one o'clock and then adjourn.

Seconded and adopted.

The Chairman: Then we will hear from Mr. Tolman.

Mr. Tolman: Mr. Chairman, and the Assistant Secretary:
The milk investigation--as you know, the Bureau of

Animal Industry carries on a work along the educational lines in the production of good milk and the Bureau of Chemistry has been carrying on a milk campaign for the purpose of attempting to clean up milk shipments. The original plan of this committee was to try to combine the food and drugs act and the educational work, and I have here a copy of a report which was made to the Secretary of Agriculture outlining in a general way the method that appeared to be necessary in carrying out any effectual supervision of the milk supply of this country. It is, I think, one of the questions that can never be solved until there is very close cooperation between the National Government and the cities and the States. Particularly this is a question that goes beyond the State and the National authorities and it rests with the cities and the smaller towns. The idea of the Department was that in starting their work on this investigation of the interstate shipments of milk the Bureau or the Department would send out inspectors from the dairy department for educational work and also send out our own laboratory men to make examinations of the supply of milk and to study the situation. To give you an

illustration, I would say that in Pittsburgh where there is a large amount of interstate shipments of milk and also some from the State into Pittsburgh we sent out a number of men to go back to the dairies, follow the milk and see what the possibilities of remedying the milk were. We found the effect of any action on our part, or the action on any particular city's part, is that after a city like Pittsburgh has an effective milk inspection that milk is sent back to the small towns around there. That presents, I think, the most complete example of absolute worthlessness anyone trying to control the situation could find. I will ask Mr. Bates, who has been doing this work in Pittsburgh, to state exactly the conditions there which he met with because he has that situation in mind and he knows the absolute necessity of cooperation better than I do. I wish he would give us a statement regarding those conditions.

Dr. Ladd: I would like the committee to memorialize Congress on the subjects of standards to meet a moment with me after adjournment.

The Chairman: Yes, and the same with the other committees, Gentlemen, and the executive committee at

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the close of this meeting to arrange for another meeting. I don't know whether you have all met the representative from Porto Rico or not but it has been suggested that he address the meeting. We will be very glad to hear from him now.

Applause.

The Chairman: It seems that he is not in the room. Now, is there any further discussion on Mr. Tolman's paper or any other features of this topic to be discussed?

Mr. Bates: I want to say that the situation around Pittsburgh was something like this: Pittsburgh, through the health officer, has rejected a large quantity of milk coming from certain dairies. Through an agreement with Pittsburgh and some cities in Ohio it is automatically shut off from these cities. This milk, having no large city to supply, then goes to the smaller towns. It was that milk which it was the aim of the Bureau of Chemistry to examine chiefly. Examinations were made at the time the milk was delivered for shipment and was found in many cases to be bad bacteriologically. Inspections of the dairies were made and the dairies were in a fairly uniform good condition. Examinations of a certain character of milk were made at the farm, including the

temperature at which it was kept, examinations of the same cans as delivered by the farmer to the train for shipment and the same cans of milk on arrival at Pittsburgh were made. The result showed the bacteriological count of the milk to be from 50,000 to 80,000 on the farm, a slight increase at the time of offering for shipment, and an increase of from one to five million at the time of arriving in Pittsburgh. That milk was at a temperature of from 45° to 55° F. on the farm. At Pittsburgh it was from 65° to 70° F. The milk was delivered to the railroad trains in the middle of the afternoon, was shipped in hot baggage cars by night and was eight or ten hours on the road. That is a place where co-operation is desired on the part of the States and the cities with the Bureau authorities to remedy that transportation difficulty.

The Chairman: The subject is still open for the consideration of the convention.

Dr. Caspari: Is there anything special to be discussed at this moment?

The Chairman: The matter is before the convention. We want to take some definite action.

Dr. Crumbine: Is the executive committee ready to announce the exact time and place of our next meeting?

THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C. 20250

TO: THE SECRETARY OF THE INTERIOR

FROM: THE DIRECTOR, BUREAU OF LAND MANAGEMENT

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

BY: [Illegible]

FOR THE DIRECTOR, BUREAU OF LAND MANAGEMENT

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

The Chairman: No, not exactly. We will be this afternoon. I would like to state with regard to that that we have arranged for a meeting of the executive committee directly at the conclusion of this meeting and the result of that will be communicated by the secretary to each Commissioner in writing within a few days.

Mr. Abbott: I move that we adjourn at one o'clock sine die.

Seconded and adopted.

Dr. Caspari: I understand that the Chairman has in his possession a letter which I personally feel would do much good if it were read at this convention.

Mr. Wallis read a letter from Senator Heyburn but asked that it be not incorporated in this record.

Gentlemen, what is the further pleasure of this convention?

Mr. Brown: I have a resolution I would like to introduce: Resolved that the committee on recommendations for changes in laws authorized under the resolution of R. M. Allen heretofore passed be instructed that it is the sense of this conference that the rubric tests of the U. S. P. are at present defective, thereby defeating the object of the Food and Drug laws in many instances.

Resolved further that said committee be requested to examine into the matter of drug standards with a view to ascertaining whether it is possible to so change the law that definitions and not tests shall govern same. I offer that as a resolution.

The Chairman: the resolution as Mr. Brown has stated it is before the Convention. What is your pleasure, Gentlemen?

Dr. Crumbine: I feel that a resolution ought to include this convention's opinion on the provision in the national law which permits a sub-standard drug to be sold under the name of the standard article. I think that is an analogous situation and ought to be corrected. It is appropriate to include that.

Dr. Caspari: It seems to me at this point it might be well to bring to the notice of the convention the action taken by the American Association of Dairy, Food, and Drug Officials at Mobile along the line of the last speaker's remarks and with your consent I would like to read it. This is a copy of the resolution they adopted in June 1913: "WHEREAS, In the judgment

of the Association of American Dairy, Food and Drug Officials, the clause of the National Food and Drugs Act of June 30, 1906, in paragraph one of Section 7, that permits the sale, under names recognized by the U. S. Pharmacopoeia and National Formulary, of drug preparations differing in strength and other qualities from the respective pharmacopoeial and formulary standards, have proven unfortunate for its operation, in that it has favored the development of variation in the strength of pharmaceutical preparations, and especially of potent drugs, and that the tolerances granted by this clause are both unnecessary and prejudicial to the public good; therefore be it

RESOLVED, That the incoming President of the Association appoint a committee of three members to represent to the President of the United States, the Secretary of Agriculture, and the proper Committees of Congress, the above expressed recommendation that the above provisions of the National Food and Drug Act of June 30, 1906, be so amended as to discontinue the tolerance herein referred to."

I might further say that the committee, was appointed and made an effort at this time to secure an audience

with the President and the Secretary of Agriculture. The former was impossible at present and we were unable to get an audience with the Secretary of Agriculture but we did see the Assistant Secretary and he stated the matter would be taken care of and suggested that we get in touch with the two committees in the House and the Senate, the Interstate and Foreign Commerce Committees of which Senator Newlands and Representative Adamson of Georgia are chairmen, because the action would have to begin there, and then gradually go up the line. Senator Newlands is busy with other matters just now and Representative Adamson was out of town so that we could not communicate with either of them at this time. That is what we have done up to the present time.

Mr. Brown: It occurs to me it might be very desirable instead of referring the subject matter of this resolution to a committee, to ask the committee of the Association of Food and Dairy Commissioners if they wouldn't take charge of it in the same way. Of course if they don't want to do it we have no means of instructing them to do it. The point is to get the judgment of this organization as to whether definitions and not tests

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shall govern in determining the purity of drugs. The fact is that so far as tests are concerned, it is a very unsatisfactory method of handling. Progress goes on and a Pharmacopoeia lasts ten years and becomes antiquated for our purposes at the end of that time.

The Chairman: I want to repeat what I said before, we are scattering out our work in regard to amending the Food and Drugs Act. We have two committees on standards and you see how hard it is to get audiences, and if each of these committees have the same trouble we are going to lose lots of time.

Dr. Caspari: I would like to say two or three words in this connection. If I understood Mr. Brown's remarks or Mr. Allen's motion, the definitions of the Pharmacopoeia are to be the guides and not the tests. Now I think that would not be desirable. I am not in favor of cutting out the tests. The Pharmacopoeia must lay down on its pages some method by which the purity of drugs can be ascertained. We do need some official methods for the determination of percentages and purity of drugs and if the definitions and tests are taken together I should heartily support it but if the tests are to be cut out I should not care to do anything with it.

shall be in determining the point of origin. The fact is that so far as facts are concerned, it is a very unsatisfactory method of handling. Interest goes on and a Pharmacopoeia is revised from time to time and is published for our purpose at the end of that time.

The Committee. I want to repeat what I said before, we are conducting our work in regard to standardizing the Food and Drug Act. We have two committees in attendance and I think you said it is to get evidence, and if each of these committees have the same trouble we are going to lose lots of time.

Dr. Gannett. I think this is not two or three words in this connection. If I understood Mr. Brown's remarks or Mr. Allen's remarks, the definition of the Pharmacopoeia are to be the guides and not the tests. Now I think that would not be desirable. I am not in favor of defining one the tests. The Pharmacopoeia was set down on its basis and method of which the purity of things can be ascertained. We do need some official methods for the determination of genuineness and purity of drugs and if the definition and tests are taken together I should heartily support it. But if the tests are to be one and I should not care to do anything with it.

Mr. Abbott: I agree with Dr. Caspari. I think this is a very serious question we are about to take action on here. It involves a considerable amount of scientific matter and we ought not to get into it too hastily and I think we are on dangerous ground when we cut out these tests because the definitions certainly do not include certain things that ought to be included by the tests. I think this is a very dangerous sort of a proposition to get into.

Mr. Brown: The only object of this resolution--frankly I think if we include the tests and definitions the proposition would be supported because it can certainly be shown in court that the tests in the Pharmacopoeia are antiquated and then the other tests which are more up to date will be accepted but the main point is to get the definitions in there to show what it is. But I am willing to accept Dr. Caspari's amendment.

The Chairman: With that statement from Mr. Brown, the motion will be amended to include that.

Carried.

There is nothing now before the Convention.

Mr. Allen of Kentucky: I move we adjourn sine die.

Seconded.

Carried.

ADJOURNED SINE DIE.

... I think this is
a very serious question as to what to take action
on here. It involves a considerable amount of responsibility
matter and we ought not to get into it too hastily and
I think we are in danger of doing that. We are not aware
of the details of the situation and we are not in a position
to do anything but wait for the report of the committee.
I think this is a very dangerous sort of a proposition
to get into.

Mr. Brown: The only object of the resolution is to
I think it is to make the rules and definitions the
proposition would be supported because it can certainly
be shown in some cases that the facts in the pharmacopoeia
are contradicted and that the other facts which are more
up to date will be accepted and the main point is to
get the facts before the committee in order to show what is
I am willing to accept Mr. Brown's amendment.
The Chairman: With that statement from Mr. Brown
The motion will be amended to include that.

Carried.
There is nothing more before the Convention.
Mr. Allen of Kentucky: I move we adjourn until the
Recorded.
Carried.